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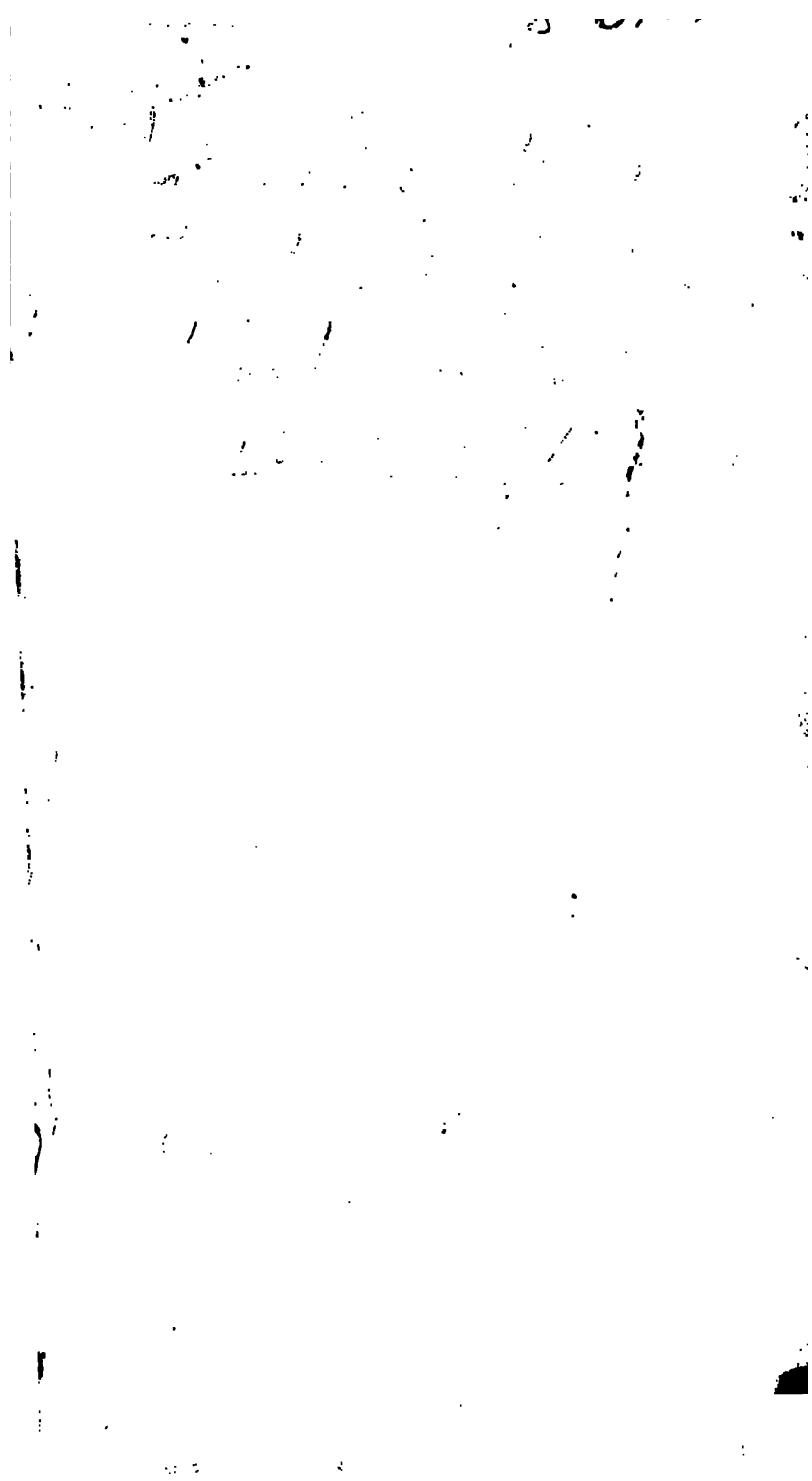
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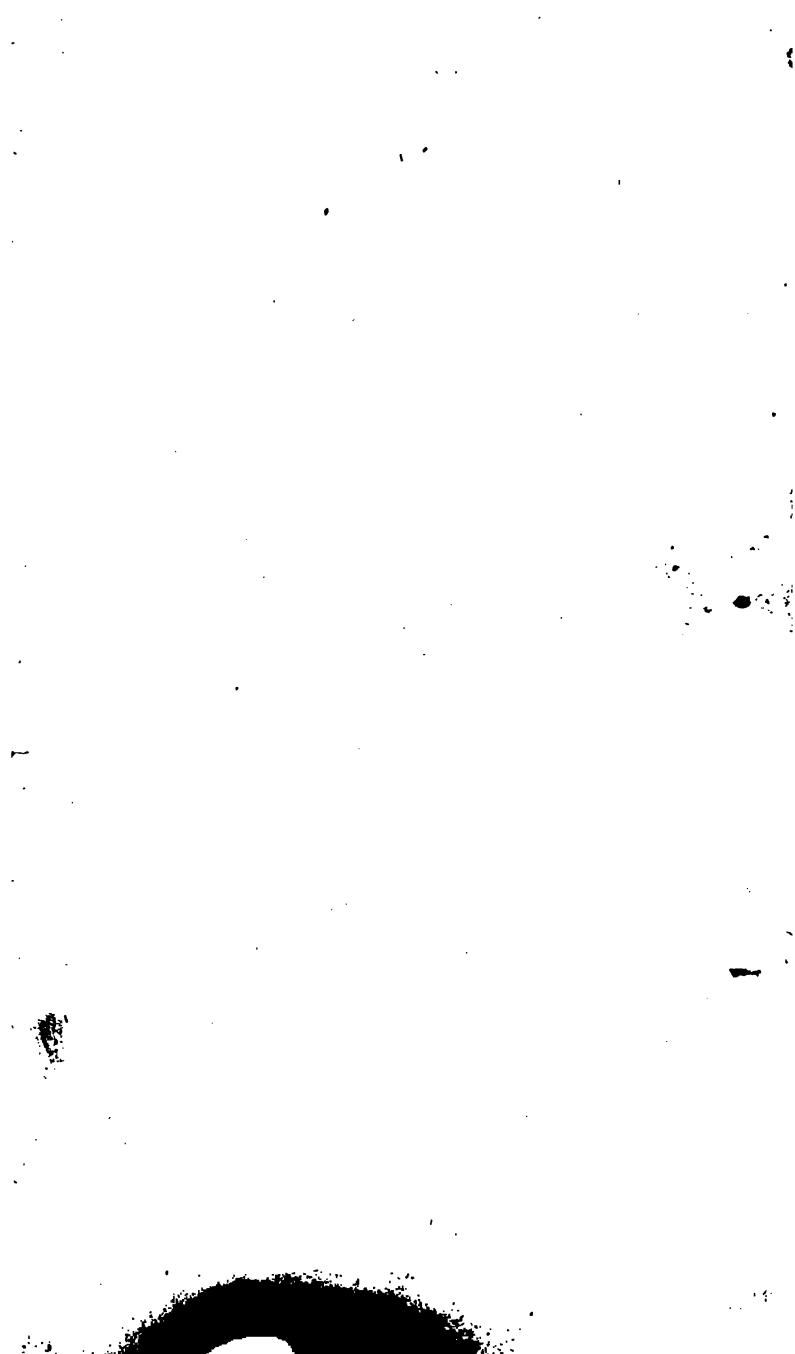
My Father - Lett

My Mother - Lett

My Sister - Lett



Dear Mr. [unclear]
 I have been thinking
 of you very much lately.
 I hope you are well.
 I am still in the same old
 place.
 I am always yours,
 as ever,
 your friend,
 [unclear]



THE

Anal. p. 206.

“POLITICAL WRITINGS”

OF

JOHN DICKINSON, ESQUIRE,

LATE PRESIDENT OF THE STATE OF DELAWARE, AND OF
THE COMMONWEALTH OF PENNSYLVANIA.

IN TWO VOLUMES.

V O L. I.

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P R E F A C E .

THE present age has been witness to as great political phenomena, as have appeared in the history of the world.

AMONG other events, we have seen *America*, in a dignified progression, from resentment of injuries to remonstrances, from remonstrances to arms, and from arms to liberty——after a vicissitude of fortunes delivered from despotism, and establishing her freedom in a republican form of government, on the pure and just principles of *popular representation* and *federal union*, delineated in these writings.

THROUGHOUT the course of these contests, the friends of liberty in *Great-Britain*, many of them peers or members of the house of commons, of the highest characters, were warm advocates for THE JUSTICE OF OUR CAUSE.

IN the year 1774, the earl of *Chatham*, in a speech worthy of his distinguished talents and

illustrious reputation, said——“ If we take a transient view of those motives, which induced the ancestors of our fellow subjects in *America*, to leave their native country, to encounter the innumerable difficulties of the unexplored regions of the Western world, our astonishment at the present conduct of their descendents will naturally subside. There was no corner of the globe to which they would not have fled, rather than submit to the slavish and tyrannical spirit, which prevailed at that period in their native country ; and viewing them in their original, forlorn, and now flourishing state, they may be cited as illustrious instances to instruct the world——*what great exertions mankind will make, when left to the free exercise of their own powers.*

“ It has always been my fixed and unalterable opinion, and I will carry it with me to the grave, that *this country* had no right whatever to tax *America*. It is contrary to all the principles of justice and civil policy : it is contrary to that essential, unalterable right in nature, ingrafted into the *British* constitution as a fundamental law, that *what a man has honestly acquired is absolutely his own*, which he may freely

give, but which cannot be taken from him without his own consent.

“PASS then, my lords, instead of these harsh and severe edicts, an amnesty over their errors ; by measures of lenity and affection, allure them to their duty ; act the part of a generous and forgiving parent. *A period may arrive*, when this parent may stand in need of every assistance, she can receive from a grateful and affectionate offspring.”

SOON afterwards, in a confidential letter to a friend, he writes——“ Every step on the side of government in *America*, seems calculated to drive the *Americans* into open resistance, vainly hoping to crush the spirit of liberty in that vast continent, at one successful blow ; but millions must perish there, before the seeds of freedom will cease to grow and spread, in so favourable a soil ; and in the mean time, devoted *England* must sink herself, under the ruins of her own foolish and inhuman system of destruction. It is plain, that *America* cannot bear chains. Would to heaven it were equally plain, that the oppressor, *England*, is not doomed one day

to bind them round her own hands, and wear them patiently.

“Luxuria incubuit, victumque ulciscitur orbem—sævior armis.

“HAPPILY, beyond the *Atlantic*, this poison has not reached the heart. When then will infatuated administration begin to fear that freedom they cannot destroy, and which they do not know how to love?”

IN another letter, he says——“I have not words to express my satisfaction, that the congress has conducted this most arduous and delicate business with such manly wisdom and calm resolution, as does the highest honour to their deliberations. Very few things are contained in their resolves, that I could wish had been otherwise. Upon the whole, I think it must be evident to every unprejudiced man in *England*, who feels for the rights of mankind, that *America*, under all her oppressions and provocations, holds forth to us the most fair and just opening, for restoring harmony and affectionate intercourse, as heretofore. I trust, that the minds of men are more than beginning to change on this great subject; and that it will be found impossible for freemen in *England*, to

wish to see three millions of *Englishmen*, slaves in *America*."

IN the beginning of the year 1775, soon after the *American* papers had been laid before the peers, he made another speech becoming his splendid fame. These were some of his expressions.—“ This universal opposition to your arbitrary system of taxation, might have been foreseen ; it was obvious from the nature of things, and from the nature of man, and *above all*, from the confirmed habits of thinking, from the spirit of WHIGGISM flourishing in *America*. The spirit which *now* pervades *America*, is *the same* which formerly opposed loans, benevolences, and ship-money in this country ; is *the same spirit* which roused all *England* to action at the revolution, and which established at a remote æra, your liberties, on the basis of that grand fundamental maxim of the constitution, that no subject of *England* shall be taxed, but by his own consent.

“ To maintain this principle, is the *common cause* of the WHIGS, on the other side of the *Atlantic*, and on this. *It is liberty to liberty engaged*. In this great cause they are immoveably allied. It is the alliance of *God* and *nature*, im-

mutable, eternal, fixed as the firmament of heaven.*

[“ As an *Englishman*, I recognize to the *Americans*, their supreme unalterable right of property. As an *American*, I would equally recognize to *England*, her supreme right of regulating commerce and navigation. This distinction is

* “ *Arbitrary taxation* is plunder authorized by law ; it is the support and the essence of tyranny ; and has done more mischief to mankind, than those other three scourges from heaven, famine, pestilence, and the sword.

“ I need not carry your lordships out of your own knowledge, or out of your own dominions, to make you conceive what misery this right of taxation is capable of producing in a provincial government.

“ We need only recollect, that *our countrymen* in *India* have, in the space of five or six years, in virtue of this right, destroyed, starved, and driven away more inhabitants from *Bengal*, than are to be found at present in all our *American* colonies.—This is no exaggeration, my lords, but plain matter of fact.”

SHIPLEY, bishop of *St. Asaph*, against the bill for altering the charter of *Massachusetts, &c.*

“ We seem not to be sensible of the high and important trust, which Providence has committed to our charge. The most precious remains of civil liberty, that the world can now boast of, are now lodged in our hands ; and God forbid, that we should violate so sacred a deposit.

“ By enslaving your colonies, you not only ruin the peace, the commerce, and the fortunes of both countries ; but you extinguish the fairest hopes, shut up the last asylum of mankind.

“ I think, my lords, without being weakly superstitious, that a good man may hope, that heaven will take part against the execution of a plan, which seems big not only with mischief, but *impiety*.” *Idem.*

involved in the abstract nature of things : property is private, individual, absolute : the touch of another annihilates it. Trade is an extended and complicated consideration ; it reaches as far as ships can sail, or winds can blow ; it is a vast and various machine. To regulate the numberless movements of its several parts, and combine them into one harmonious effect, for the good of the whole, requires the superintending wisdom and energy of the supreme power of the empire.

“ ON this grand practical distinction, then let us rest : taxation is theirs, commercial regulation is ours.] As to the metaphysical refinements, attempting to shew, that the *Americans* are equally free from legislative controul, and commercial restraint, as from taxation, for the purpose of revenue, I pronounce them futile, frivolous, and groundless.

“ WHEN your lordships have perused the papers transmitted to us from *America*, when you consider the dignity, the firmness, and the

wisdom with which the *Americans* have acted, *you cannot but respect their cause.*

“ HISTORY, my lords, has been my favourite study, and in the celebrated writings of antiquity, have I often admired the patriotism of *Greece* and *Rome* : but, my lords, I must declare and avow, that in the master states of the world, I know not the people or the senate, who, in such a complication of difficult circumstances, can stand in preference to the delegates of *America*, assembled in general congress at *Philadelphia*. I trust, it is obvious to your lordships, that all attempts to impose servitude upon such men, to establish despotism over such a mighty continental nation, must be vain.”

LORD *Chatham* was ably supported by his friend, the excellent lord *Camden*, who among other things said——“ when the famous *Selden* was asked, by what statute *resistance to tyranny* could be justified ?” his reply was——“ it is to be justified by the *custom of England*, which is part of *the law of the land.*”

“ I WILL affirm, my lords, not only as a statesman, a politician, and a philosopher, but as a common lawyer, that you have no right to tax *America*. No man, agreeably to the principles of natural and civil liberty, can be divested of any part of his property, without his consent ; and *whenever oppression begins, resistance becomes lawful and right.*”

IN the year 1777, lord *Chatbam* moved an amendment to a proposed address, recommending measures of accommodation, and an immediate cessation of hostilities, as necessary for effectuating that purpose, which “ he supported with all the energy and eloquence, which had formerly produced such mighty effects ; and which must now have roused the nation from its death-like torpor, had this been within the compass of human virtue or human ability.”

AFTER some weighty observations respecting the conduct of ministers, he proceeded thus——“ you may swell every expence, and strain every effort, accumulate every assistance, and extend your traffic to the *shambles* of every

German despot, your attempts will be forever vain and impotent.—But, my lords, where is the man, that in addition to the disgraces and mischiefs of the war, has dared to authorize and associate to our arms the *tomabawk* and *scalping-knife* of the savage? To call into civilized alliance, the wild and inhuman inhabitant of the woods? To delegate to the merciless Indian, the defence of disputed rights, and to wage the horrors of his barbarous warfare against our brethren? These enormities cry aloud for redress and punishment.*

* The *American secretary*, in a letter to general *Carlton*, dated *Whitehall*, March 26th, 1777, says: "As this plan cannot be advantageously executed without the assistance of *Canadians* and *Indians*, his majesty strongly recommends it to your care, to furnish both expeditions with good and sufficient bodies of these men: and I am happy in knowing, that your influence among them is so great, that there can be no room to apprehend you will find it difficult to fulfil his majesty's intentions."

In the "Thoughts for conducting the war from the side of *Canada*," by general *Burgoyne*, that general desired "a thousand or more savages."

Colonel *Butler* was desired to distribute the king's bounty-money among such of the savages as would join the army; and after the delivery of the presents, he asks for £. 4011, *Tork* currency, before he left *Niagara*. He adds, in a letter that was laid on the table, in the house of commons, "I flatter myself, that you will not think the expence, however high, to be useless, or given with too lavish a hand. I waited seven days to deliver them the presents, and GIVE THEM THE HATCHET, WHICH THEY ACCEPTED, and PROMISED TO MAKE USE OF IT. This letter is dated *Ontario*, July 28th, 1777.

“IT is not, my lords, a wild and lawless banditti whom we oppose : *the resistance of America, is the struggle of free and virtuous patriots.*”

It is remarkable, that this great and good man, in the year 1775, not only lays the *justice of American claims*, on the same eternal and immutable foundations contended for in the following “*Essay on the constitutional power of Great-Britain over the colonies in America,*” published at *Philadelphia* in the preceding year, 1774, but makes the same *comparison* that was made in *that Essay*, between the opposition of *America* to *British* measures, and the opposition of *Britain*, to the measures of the *Stuarts*, respecting loans, benevolences, and ship-money ; and also makes the same *distinction* between taxation and regulation of commerce, that is asserted in *that Essay*, and inforces that distinc-

In another letter, colonel *Butter* says, “ The *Indians* threw in a heavy fire on the rebels, and made a shocking slaughter with their spears and butchets. The success of this day, will plainly shew the utility of your excellency’s constant support of my unwearied endeavours to conciliate to his majesty so serviceable a body of ALLIES.” This letter is to sir *Guy Carlton*, and dated, camp before *Fort Stanwix*, August 15th, 1777. In another letter he says, “ many of the prisoners were, conformably to the Indian custom, AFTERWARDS KILLED.” More on this subject may be seen in general *Burgoyne*’s proclamation, proceedings in parliament, &c.

tion by the same *arguments* which in the *Essay* are employed on that subject. He likewise insists, as is urged in *that Essay*, that the *admission of an authority to regulate commerce*, does not imply the concession of an authority to legislate, for the purpose of taxation. He, also, called the public attention to the *extraordinary case*, which is stated in that *Essay*—that a period may arrive, when the parent will stand in need of the assistance of her offspring.

THUS has the *justice* of our cause been maintained by the best and wisest men in *Britain*, not only by those before-mentioned, but by multitudes of others.

OF what *importance* our successful opposition has been, and is now thought on the other side of the *Atlantic*, we may judge from the following declaration of that honest, benevolent, and enlightened statesman *Charles Fox*, in the house of commons—"THE RESISTANCE OF THE AMERICANS TO THE OPPRESSIONS OF THE MOTHER COUNTRY, HAS UNDOUBTEDLY PRESERVED THE LIBERTIES OF MANKIND."

WHAT political event, in the annals of the world, can be more worthy of being commended to the attention of nations !

WE now behold the sun of liberty illuminating *Europe* ; and we have reason to believe, that its rays will reach to other quarters of the globe, beaming with a benign influence on the human race.

WITH such knowledge of facts, and with such hopes of the future, every *American* who loves his country, must be pleased to trace our momentous controversy with *Great-Britain*, from its commencement in her injustice, to its termination in our independence ; and every friend to mankind must rejoice, in contemplating the actual and probable consequences of our revolution to other nations.

If this intelligence should be conveyed in narratives, written in coolness and leisure, after the agitation of events had subsided, no doubt it would be agreeable : but, this collection offers to our fellow-citizens, in a series from the beginning of the year 1764, writings composed

and published in the midst of the arduous contention, while *Britain* with insulting pretensions, and relentless cruelties, was practising every artifice, and straining every nerve, by statutes and by swords, to bend or break us into bondage : and the editors think it their right and duty, to insert some testimonies concerning several of these writings, to shew the sentiments that were entertained of them at the times when they were published, or soon after.

T H E
S P E E C H
O F

JOHN DICKINSON, ESQUIRE,

One of the MEMBERS for the County of *Philadelphia*, in the *House of Assembly*
of the Province of *Pennsylvania*, May 24th, 1764,

ON OCCASION

Of a PETITION, drawn up by Order, and then under
Consideration, of the *House*; praying the *King* for a
Change of the *Government* of the *Province*.

Published at the earnest request of a great number of very respectable citizens of *Philadelphia*, as expressed in their address to him, dated the 6th of June, 1764.

EXACTLY YEAR AFTER-PARTISE

****** On the 4th of March, 1764, *George Grenville*, then Minister, and the House of Commons on his Motion, began their hostile Operations against the *British Colonies* on this Continent.

This Speech was made in less than three months after, about a Year and a half before the meeting of *the first Congress* at *New-York*, on Account of *the Stamp Act*; describes the Sentiments of Administration concerning Colonial Government, takes Notice of *the then meditated Innovations*, and was followed by a regular Course of such Measures as were *apprehended* and *alluded to*.

The Change attempted did not take place.

T H E
S P E E C H
O F JOHN DICKINSON, Esq. &c.

MR. SPEAKER,*

WHEN honest men apprehend their country to be injured, nothing is more natural than to resent and complain : but when they enter into consideration of the means for obtaining redress, the same virtue that gave the alarm, may sometimes, by causing too great a transport of zeal, defeat its own purpose ; it being expedient for those who deliberate of public affairs, that their minds should be free from all violent passions. These emotions blind the understanding : they weaken the judgment. It therefore frequently happens, that resolutions formed by men thus agitated, appear to *them* very wise, very just, and very salutary ; while others, not influenced by the same heats, condemn those determinations, as weak, unjust, and dangerous.

* Isaac Norris, Esquire.

ous. Thus, Sir, in councils it will always be found useful, to guard against even the indignation, that arises from integrity.

MORE particularly are *we* bound to observe the utmost caution in our conduct, as the experience of many years may convince us, that all our actions undergo the strictest scrutiny.——Numerous are the instances, that might be mentioned, of rights vindicated and equitable demands made in this province, according to the opinions entertained here, that in *Great-Britain*, have been adjudged to be illegal attempts, and pernicious pretensions,

THESE adjudications are the acts of persons vested with such dignity and power, as claim some deference from us; and hence it becomes not unnecessary to consider, in what light the (*) measures now proposed may appear to those, whose sentiments from the constitution of our government it will always be prudent to regard,

BUT on this important occasion, we ought not to aim only at the approbation of men, whose authority

* The controversy between the Province and the Proprietaries, was,—Whether the estates of the Proprietaries should be taxed as the estates of other persons were. The Proprietaries claimed an exemption, and were supported in their claim by the *British* Ministers. The Assembly took this opportunity to attempt a change of the Government from proprietary to royal.

may censure and controul us. More affecting duties demand our attention. The honour and well-fare of *Pennsylvania* depending on our decisions, let us endeavour so to act, that we may enjoy our own approbation, in the cool and undisturbed hours of reflection; that we may deserve the approbation of the impartial world; and of posterity, who are so much interested in the present debate.

No man, Sir, can be more clearly convinced than I am, of the inconveniencies arising from a strict adherence to proprietary instructions. We are prevented from demonstrating our loyalty to our excellent Sovereign, and our affection to our distressed fellow subjects, unless we will indulge the Proprietors, with a distinct and partial mode of taxation, by which they will save perhaps four or five-hundred pounds a year, that ought to go in ease of our constituents.

THIS is granted on all sides to be unequal; and has therefore excited the resentment of this house. Let us resent—but let our resentment bear proportion to the provocation received; and not produce, or even expose us to the peril of producing, effects more fatal than the injury of which we complain. If the change of government now meditated, can take place, with all our privileges preserved; let it instantly take place: but if *they* must be con-

sumed in the blaze of royal authority, we shall pay too great a price for our approach to the throne ; too great a price for obtaining (if we should obtain) the addition of four or five-hundred pounds to the proprietary tax ; or indeed for any emolument likely to follow from the change.

I HOPE, I am not mistaken when I believe, that every member in this house feels the same reverence that I do, for these *inestimable rights*. When I consider the spirit of liberty that breathes in them, and the flourishing state to which this province hath risen in a few years under them, I am extremely desirous, that they should be transmitted to future ages ; and I cannot suppress my solicitude, while steps are taking, that tend to bring them all into danger. Being assured, that this house will always think an attempt to change this government too hazardous, unless these privileges can be *perfectly secured*, I shall beg leave to mention the reasons by which I have been convinced, that such an attempt ought not *now* to be made.

It seems to me, Sir, that a people who intend an innovation of their government, ought to choose the most proper *time*, and the most proper *method* for accomplishing their purposes ; and ought seriously to weigh all the probable and possible *consequences* of such a measure.

THERE are certain periods in public affairs, when designs may be executed much more easily and advantageously, than at any other. It hath been by a strict attention to every interesting circumstance; a careful cultivation of every fortunate occurrence; and patiently waiting till they have ripened into a favourable conjuncture, that so many great actions have been performed in the political world.

It was through a rash neglect of this prudence, and too much *eagerness* to gain his point, that the Duke of *Monmouth* destroyed his own enterprize, and brought himself dishonourably to the block, tho' every thing then verged towards a revolution. The prince of *Orange* with a *wise delay* pursued the same views, and gloriously mounted a throne.

It was through a like neglect of this prudence, that the commons of *Denmark*, smarting under the tyranny of their nobility, in a fit of revengeful fury, *suddenly* surrendered their liberties to their king; and ever since with unavailing grief and useless execrations, have detested the *mad moment*, that slipt upon them the shackles of slavery, which no struggles can shake off. With *more deliberation*, the *Dutch* erected a stadholdership, that hath been of signal service to their state.

THAT excellent historian and statesman *Tacitus*, whose political reflections are so justly and universally admired, makes an observation in his third annal, that seems to confirm these remarks. Having mentioned a worthy man of great abilities, whose ambitious ardour hurried him into ruin, he uses these words, "*quod multos etiam bonos pessum dedit, qui spretis quæ tarda cum securitate, præmatura vel cum exitio properant.*" "Which misfortune hath happened to many good men, who despising those things which they might *slowly* and *safely* attain, seize them too hastily, and with fatal speed rush upon their own destruction."

If then, Sir, the best intentions may be disappointed by too rapid a prosecution of them, many reasons induce me to think, that this is not the *proper time* to attempt the change of our government.

It is too notorious and too melancholy a truth, that we now labour under the disadvantage of royal and ministerial displeasure. The conduct of this province during the late war, hath been almost continually condemned at home. We have been covered with the reproaches of men, whose stations give us just cause to regard their reproaches. The last letters from his majesty's secretary of state prove, that the reputation of the province has not yet revived. We are therein expressly charged

with double dealing, disrespect for his majesty's orders, and in short, accusations, that shew us to be in the utmost discredit. Have we the least reason to believe, when the transactions of this year, and the cause of our application for a change, are made known to the king and his ministers, that their resentment will be waved? Let us not flatter ourselves. Will they not be more incensed, when they find the public service impeded, and his majesty's dominions so long exposed to the ravages of merciless enemies, by our inactivity and obstinacy, as it will be said? For this, I think, hath been the constant language of the ministry on the like occasions. Will not their indignation rise beyond all bounds, when they understand that our hitherto denying to grant supplies, and our application for a change, proceed from the governor's strict adherence to the terms of the stipulations, so solemnly made, and so repeatedly approved, by the late and present king?

BUT I may perhaps be answered, "that we have agreed to the terms of the stipulations, according to their true meaning, which the governor refuses to do." Surely, sir, it will require no slight sagacity in distinguishing, no common force of argument, to persuade his majesty and his council, that the refusal to comply with the true meaning of

the stipulations proceeds from the governor, when he insists on inserting in our bill the very words and letters of those stipulations.

“ But these stipulations were never intended to be inserted *verbatim* in our bills, and our construction is the most just.” I grant it appears so to *us*, but much I doubt, whether his majesty’s council will be of the same opinion. That board and this house have often differed as widely in their sentiments. *Our* judgment is founded on the knowledge we have of facts, and of the purity of our intentions. The judgment of *others*, is founded on the representations made to them, of those facts and intentions. These representations may be unjust; and therefore the decisions that are formed upon them may be erroneous. If we are rightly informed, we are represented as the mortal enemies of the proprietors, who would tear their estates to pieces, unless some limit was fixed to our fury. For *this purpose* the second and third articles of the stipulations were formed. The inequality of the mode was explained and enlarged upon by the provincial council; but in vain. I think, I have heard a worthy member who lately returned from *England*, mention these circumstances.

If this be the case, what reasonable hope can we entertain, of a more favourable determination

now ? The proprietors are still living. Is it not highly probable that they have interest enough, either to prevent the change, or to make it on such terms, as will fix upon us *for ever*, those demands that appear so extremely just to the *present ministers* ? One of the proprietors appears to have great intimacy and influence, with some very considerable members of his majesty's council. Many men of the highest character, if public reports speak truth, are now endeavouring to establish proprietary governments, and therefore probably may be more readily inclined to favour proprietary measures. The very gentlemen who *formed* the articles of the stipulations, *are now in power*, and no doubt will enforce their *own acts* in the strictest manner. On the other hand, every circumstance that now operates against us, may in time turn in our favour. We may perhaps be fortunate enough, to see the present prejudices against us worn off: to recommend ourselves to our sovereign: and to procure the esteem of some of his ministers. I think I may venture to assert, that such a period will be infinitely more proper than the present, for attempting a change of our government.

WITH the permission of the house, I will now consider the *manner* in which this attempt is carried on; and I must acknowledge, that I do not in the least degree approve of it.

THE time may come, when the weight of this government may grow too heavy for the shoulders of a subject ; at least, too heavy for those of a woman, or an infant. The proprietary family may be so circumstanced, as to be willing to accept of such an equivalent for the government from the crown, as the crown may be willing to give. Whenever this point is agitated, either on a proposal from the crown or proprietors, this province may plead the cause of her privileges with greater freedom, and with greater probability of success, than at present. The royal grant ; the charter founded upon it ; the public faith pledged to the adventurers, for the security of those rights to them and their posterity, whereby they were encouraged to combat the dangers, I had almost said, of another world ; to establish the *British* power in remotest regions, and add inestimable dominions with the most extensive commerce to their native country ; the high value and veneration we have for these privileges ; the afflicting loss and misfortune we should esteem it, to be deprived of them, and the unhappiness in which his majesty's faithful subjects in this province would thereby be involved ; our inviolable loyalty and attachment to his majesty's person and illustrious family, whose sovereignty hath been so singularly distinguished by its favourable influence on the liberties of mankind.—
ALL these things may then be properly insisted on.

If urged with that modest heart-felt energy, with which good men should always vindicate the interests of their country, I should not despair of a gracious attention, to our humble requests. Our petition in such a case, would be simple, respectful, and perhaps affecting.

BUT in the present mode of proceeding, it seems to me, that we preclude ourselves from every office of decent duty to the most excellent of kings ; and from that right of earnestly defending our privileges, which we should otherwise have. The foundation of this attempt, I am apprehensive, will appear to others *peculiarly unfortunate*. In a sudden passion, it will be said, against the proprietors, we call out for a change of government. Not from reverence for his majesty ; not from a sense of his paternal goodness to his people ; but because we are angry with the proprietors ; and tired of a dispute founded on an order approved by his majesty, and his royal grandfather.

OUR powerful friends on the other side of the *Atlantic*, who are so apt to put the kindest constructions on our actions, will no doubt observe, “ that the conduct of the people of *Pennsylvania*, must be influenced by very extraordinary councils, since they desire to come *more immediately* under the king’s command, BECAUSE they will *not obey*

those royal commands, that have been already signified to them."

BUT here it will be said; nay it has been said; and the petition before the house is drawn accordingly; "we will not alledge this dispute with the governor on the stipulations, but the general inconveniencies of a proprietary government, as the cause of our desiring a change." 'Tis true we may act in this artful manner, but what advantages shall we gain by it? Though *we* should keep the secret, can we seal up the lips of the proprietors? Can we recal our messages to the governor? Can we annihilate our own resolves? Will not all——will not any of these discover the *true cause* of the present attempt?

WHY then, should we unnecessarily invite fresh invectives in the very beginning of a most important business, that to be happily concluded, requires all the favour we can procure, and all the dexterity we can practise?

WE intend to surround the throne with petitions, that our government may be changed from proprietary to royal. At the same time we mean to preserve our privileges: but how are these two points to be reconciled?

IF we express our desire for the preservation of our privileges, in so general or faint a manner, as may induce the king to think, they are of no great consequence to us, it will be nothing less than to betray our country.

IF on the other hand we inform his majesty,—“ that tho’ we *request* him to change the government, yet we *insist* on the preservation of our privileges,” certainly it will be thought an unprecedented stile of petitioning the crown, that humbly asks a favour, and boldly prescribes the terms, on which it must be granted.

How then shall we act? Shall we speak, or shall we suppress our sentiments? The first method will render our request incoherent: the second will render it dangerous. Some gentlemen are of opinion, that these difficulties may be solved, by intrusting the management of this affair to an agent: but I see no reason to expect such an effect. I would first observe, that this matter is of too prodigious consequence to be trusted to the discretion of an agent.—But if it shall be committed by this house, *the proper guardian of the public liberties*, to other hands, this truth must at some time or other be disclosed, “ that we will never consent to a change, unless our privileges are preserved.” I should be glad to know, with what

finesse this matter is to be conducted. Is the agent to keep our petition to the crown in his pocket, till he has whispered to the ministry? Will this be justifiable? Will it be decent? Whenever he applies to *them*, I presume, they will desire to know his authority for making such an application. Then our petition must appear; and whenever it does appear, either at first or last, *that* and the others transmitted with it, I apprehend, will be the foundation of any resolutions taken in the king's council.

THUS, in whatever view this transaction is considered, shall we not still be involved in the dilemma already mentioned, “ of begging a favour from his majesty’s goodness, and yet shewing a distrust that the royal hand, stretched out at our own request for our relief, may do us an injury ?”

LET me suppose, and none can offer the least proof of this supposition being unreasonable, that his majesty will not accept of the government, clogged, as it will be said, with privileges inconsistent with the royal rights: how shall we act then? We shall have our choice of two things: one of them destructive: the other dishonourable. We may either renounce the laws and liberties framed and delivered down to us by our careful ancestors: or we may tell his majesty with a surly discontent,

“ that we will not submit to his *implored protection*, but on such conditions, as we please to impose on him.” Is not this the inevitable alternative, to which we shall reduce ourselves ?

IN short, sir, I think the farther we advance in the path we are now in, the greater will be the confusion and danger in which we shall engage ourselves. Any body of men acting under a charter, must surely tread on slippery ground, when they take a step that may be deemed a surrender of that charter. For my part, I think the petitions that have been carried about the city and country to be signed, and are now lying on the table, can be regarded in no other light, than as a surrender of the charter, with a short indifferent hint annexed of a desire, that our privileges may be spared, if it shall be thought proper. Many striking arguments may in my opinion be urged, to prove that any request made by this house for a change, may with still greater propriety be called a surrender. The common observation, “ that many of our privileges do not depend on our charter only, but are confirmed by laws approved by the crown,” I doubt will have but little weight with those, who will determine this matter.

It will readily be replied, “ that these laws were founded on the charter ; that they were calculated

for a proprietary government, and for no other; and approved by the crown in that view alone: that the proprietary government is now acknowledged by the people living under it, to be a bad government; and the crown is intreated to accept a surrender of it: that therefore by thus abolishing the proprietary government, every thing founded upon it, must of consequence be also abolished."

HOWEVER, if there should be any doubts in the law on these points, there is an easy way to solve them.

THESE reflections, sir, naturally lead me to consider the *consequences* that may attend a change of our government; which is the last point I shall trouble the house upon at this time.

It is not to be questioned, but that the ministry are desirous of vesting the immediate government of this province, advantageously in the crown. It is true, they do not choose to act arbitrarily, and tear away the present government from us, without our consent. This is not the age for such things. But let *us* only furnish them with a pretext, by pressing petitions for a change; let *us* only relinquish the hold we now have, and in an instant we are precipitated from that envied height where we now stand. The affair is laid before the

parliament, the desires of the ministry are insinuated, the rights of the crown are vindicated, and an act passes to deliver us at once from the government of proprietors, and the privileges we claim under them.

THEN, sir, we who *in particular* have presented to the authors of the fatal change, this *long-wished* for opportunity of effecting it, shall for *our assistance*, be entitled to their thanks——*Thanks!* which I am persuaded, every worthy member of this house would *abhor* to deserve, and would *scorn* to receive.

It seems to be taken for granted, that by a change of government, we shall obtain a change of those measures which are so displeasing to the people of this province——that justice will be maintained by an equal taxation of the proprietary estates——and that our frequent dissensions will be turned into peace and happiness.

THESE are effects indeed sincerely to be wished for by every sensible, by every honest man: but reason does not always teach us to expect the warm wishes of the heart. Could our gracious sovereign take into consideration, the state of every part of his extended dominions, we *might* expect redress of every grievance: for with the most implicit con-

viction I believe, he is as just, benevolent, and amiable a prince, as heaven ever granted in its mercy to bless a people. I venerate his virtues beyond all expression. But *his* attention to our particular circumstances being impossible, we must receive our fate from ministers ; and from *them*, I do not like to receive it.

WE are not the subjects of ministers ; and therefore it is not to be wondered at, if they do not feel that tenderness for us, that a good prince will always feel for his people. Men are not born ministers. Their ambition raises them to authority ; and when possessed of it, one established principle with them seems to be, “ never to deviate from a precedent of power.”

DID we not find in the late war, tho’ we exerted ourselves in the most active manner in the defence of his majesty’s dominions, and in promoting the service of the crown, every point in which the proprietors thought fit to make any opposition, decided against us ? Have we not also found, since the last disturbance of the public peace by our savage enemies, the conduct of the late governor highly applauded by the ministry, for his adherence to those very stipulations now insisted on ; and ourselves subjected to the *bitterest reproaches*, only for attempting to avoid burthens, that were thought ex-

trremely grievous. Other instances of the like kind I pass over, to avoid a tedious recapitulation.

SINCE then, the gale of ministerial favour has in *all seasons* blown propitious to proprietary interests, why do we now fondly flatter ourselves, that it will *suddenly* shift its quarter? Why should we with an *amazing credulity*, now fly for *protection* to those men, trust *every thing* to *their* mercy, and ask the most distinguishing *favours* from *their* kindness, from whom we complained a few months ago; that we could not obtain the most reasonable requests? Surely, sir, we must acknowledge one of these two things; either, that our *complaint* was then *unjust*; or, that our *confidence* is now *unwarranted*. For my part, I look for a rigid perseverance in former measures. With a new government, I expect new disputes. The experience of the royal colonies convinces me, that the immediate government of the crown, is not a security for that tranquility and happiness we promise ourselves from a change. It is needless for me to remind the house, of all the frequent and violent controversies that have happened between the king's governors in several provinces, and their assemblies. At this time, if I am rightly informed, *Virginia* is struggling against an instruction, that will be attended, as that colony apprehends, with the most destructive consequences, if carried into execution.

INDEED, sir, it seems vain to expect, where the spirit of liberty is maintained among a people, that public contests should not *also* be maintained. Those who *govern*, and those who *are governed*, seldom think they can gain too much on one another. Power is like the *ocean*; not easily admitting limits to be fixed in it. It must be in motion. Storms indeed are not desirable; but a long dead calm is not to be looked for; perhaps, not to be wished for. Let not *us* then, in expectation of *smooth seas*, and an *undisturbed course*, too rashly venture our *little vessel* that hath safely sailed round *our own well known shores*, upon the *midst* of the *untryed deep*, without being first fully convinced, that her *make* is strong enough to bear the *weather* she may meet with, and that she is well *provided* for so long and so dangerous a voyage.

No man, sir, amongst us hath denied, or will deny, that this province must *stake* on the event of the present attempt, liberties that ought to be immortal———*Liberties!* founded on the acknowledged *rights of human nature*; and restrained in our mother-country, only by an unavoidable necessity of adhering in some measure, to long established customs. Thus hath been formed between old errors and hasty innovations, an entangled chain, that our ancestors either had not moderation or leisure enough to untwist.

I WILL now briefly enumerate, as well as I can recollect, the particular privileges of *Pennsylvania*.

IN the first place, we here enjoy that best and greatest of all rights, *a perfect religious freedom*.

POSTS of honour and profit are unfettered with *oaths* or *tests*; and therefore are open to men, whose abilities, strict regard to their conscientious persuasion, and unblemished characters qualify them to discharge their duties with credit to themselves, and advantage to their country.

THE same wisdom of our laws, has guarded against the absurdity of granting greater credit even to villains, if they will swear, than to men of virtue, who from religious motives cannot. Therefore those who are conscientiously scrupulous of taking an oath, are admitted as witnesses in criminal cases. Our legislation suffers no checks, from a council instituted,* in fancied imitation of the house of lords. By the right of sitting on our own adjournments, we are secure of meeting, when the public good requires it: and of not being dismissed, when private passions demand it. At the same time, the strict discharge of the trust committed to us, is enforced by the short duration of our power, which must be renewed by our constituents every year.

* Appointed by the crown.

NOR are the people stript of all authority, in the execution of laws. They enjoy the satisfaction of having some share, by the appointment of provincial commissioners, in laying out the money which they raise ; and of being in this manner assured, that it is applied to the purposes, for which it was granted. They also elect sheriffs and coroners ; officers of so much consequence, in every determination that affects honour, liberty, life or property.

LET any impartial person reflect, how contradictory some of these privileges are to the principles of the *English* constitution, and how directly opposite others of them are to the settled prerogatives of the crown ; and then consider, what probability we have of retaining them on a *requested* change : that is of continuing in fact a proprietary government, though we humbly pray the king to change this government into royal. Not unaptly, in my opinion, the connection between the proprietary family, and this province, may be regarded as a marriage. Our privileges may be called the fruits of that marriage. The domestic peace of this family, it is true, has not been unvexed with quarrels, and complaints : but the pledges of their affection ought always to be esteemed ; and whenever the parents on an *imprudent request* shall be *divorced*, much I fear, that their *issue* will be declared *illegitimate*.———*This* I am well persuaded

of, that surprizing must our behaviour appear to all men, if in the instant when we apply to his majesty for relief from what we think oppression, we should discover a resolute disposition to deprive him of the uncontroverted prerogatives of his royal dignity.

At this period, when the administration is regulating new colonies, and designing, as we are told, the * *strictest reformatations* in the old, it is not likely that they will grant an invidious distinction in our favour. Less likely is it, as that distinction will be liable to so many, and such strong *constitutional* objections; and when we shall have the weight both of the clergy and ministry, and the universally received opinions of the people of our mother country to contend with.

I mean not, sir, the least reflection on the church of *England*. I reverence and admire the purity of its doctrine, and the moderation of its temper. I am convinced, that it is filled with learned and with excellent men: but all zealous persons, think their own religious tenets the best, and would willingly

* Some late acts of parliament shew WHAT STRICT REFORMATATIONS are to be made in the colonies.

see them embraced by others. I therefore apprehend, that the dignified and reverend gentlemen of the church of *England*, will be extremely desirous to have *that* church as well secured, and as much distinguished as possible in the *American* colonies; especially in those colonies, where it is overborne, as it were, by dissenters. There never can be a more critical opportunity for this purpose than the present. The cause of the church will besides be connected with that of the crown, to which its principles are thought to be more favourable, than those of the other professions.

WE have received certain information, that the conduct of this province which has been so much censured by the ministry, is attributed to the influence of one religious society.—We also know, that the late tumultuous and riotous proceedings, represented in so strong a light by the petition now before the house, have been publicly ascribed to the influence of another religious society. Thus the blame of every thing disreputable to this province is cast on one or the other of these dissenting sects. Circumstances ! that I imagine, will neither be forgotten, nor neglected.

WE have seen the event of our disputes concerning the *proprietary* interests ; and it is not to be expected, that our success will be greater, when our

opponents become more numerous ; and will have more dignity, more power, and as they will think, more law on their side.

THESE are the dangers, sir, to which we are now about to expose those privileges, in which we have hitherto so much gloried. *Wherefore ?* To procure two or three, perhaps four or five hundred pounds a year, (for no calculation has carried the sum higher) from the proprietors, for two or three or four or five years, for so long and something longer, perhaps, the taxes may continue.

BUT are we sure of gaining this point ? *We are not.* Are we sure of gaining any other advantage ? *We are not.* Are we sure of preserving our privileges ? *We are not.* Are we under a necessity of pursuing the measure proposed at this time ? *We are not.*

HERE, sir, permit me to make a short pause. Permit me to appeal to the heart of every member in this house, and to entreat him to reflect, how far he can be justifiable in giving his voice, thus to hazard the liberties secured to us by the wise founders of this province ; peaceably and fully enjoyed by the present age ; and to which posterity is so justly entitled.

BUT, sir, we are told there is no danger of losing our privileges, if our government should be changed, and two arguments are used in support of this opinion.—The first is, “ That the government of the crown is exercised with so much lenity in *Carolina* and the *Ferseys*.”——I cannot perceive the least degree of force in this argument. As to *Carolina*, I am not a little surprized, that it should be mentioned on this occasion, since I never heard of any privileges that colony enjoys, more than the other royal governments in *America*. The privileges of the *Ferseys*, are of a different nature from many of which we are possest; and are more consistent with the royal prerogative.

INDEED I know of none they have, except that the people called *Quakers* may be witnesses in criminal cases, and may bear offices. Can this indulgence shewn to them for a particular reason, and not contradictory to the rights of the crown, give us any just cause to expect the confirmation of privileges directly opposite to those rights, and for confirming which no such reason exists. But perhaps the gentlemen, who advance this argument, mean, that *we* shall purchase a change at a cheap price, if we are only reduced to the same state with the *Ferseys*——Surely, sir, if this be their meaning, they entirely forget those extraordinary privileges, which some time ago were mentioned.

How many must we in such a case renounce ? I apprehend, it would prove an argument of little consolation to these gentlemen, if they should lose three fourths of their estates, to be told, that they still remain as rich as their neighbours, and have enough to procure all the necessaries of life.

It is somewhat remarkable, that this single instance of favour in permitting an affirmation instead of an oath, in a single province, should be urged as so great an encouragement to us, while there are so many examples of another kind to deter us. In what *royal government* besides the *Jerseys*, can one of the people called *Quakers* be a witness in criminal cases, and bear offices ?* *In no other.* What can be the reason of this distinction in the *Jerseys* ? Because in the infancy of that colony, when it came under the government of the crown, there was, as appears from authentic vouchers, an ABSOLUTE NECESSITY from the scarcity of other proper persons, to make use of the people called *Quakers* in public employments. Is there such a necessity in this province ? Or can the ministry be *persuaded*, that there is such a necessity ? No, sir, those from whom they will receive their information, will grant no such thing ; and therefore I

* It is said, that a Quaker was lately committed to goal in New-York, because he would not swear in a criminal case.

think there is the *most imminent danger*, in case of a change, that the people of *this society* will lose the exercise of those rights, which, tho' they ARE INTITLED TO AS MEN, YET SUCH IS THE SITUATION OF HUMAN AFFAIRS, they with difficulty can find a spot on the whole globe where they are allowed to enjoy them. It will be an argument of some force I am afraid, that the church of *England* can never expect to raise its head among us, while we are encouraged, as it will be said, in dissention: but if an *oath* be made necessary for obtaining offices, of honour and profit; it will then be expected that any of the people called Quakers who are tempted to renounce their principles, will undoubtedly make an addition to the established church.

IF any other consideration than that which has been mentioned, was regarded in granting that indulgence in the *Jerseys*, tho' no other is exprest, it seems not improbable, that the nearness of this province might have had some weight, as from its situation it afforded such strong temptations to the inhabitants of the *Jerseys* to remove hither, had they been treated with any severity.

THEIR government in some measure was formed in imitation of our government; but when this is altered, the *English* constitution must be the model, by which it will be formed.

HERE it will be said, “ this cannot be done but by the parliament ; and will a British parliament do such an act of injustice, as to deprive us of our rights ? ” This is the second argument, used to prove the safety of the measures now proposed.

CERTAINLY the *British* parliament will not do what they think an unjust act : but I cannot persuade myself, that *they* will think it unjust, to place us on the same footing with themselves. It will not be an easy task to convince them, that the people of *Pennsylvania* ought to be distinguished from all other subjects, under his majesty’s *immediate* government ; or that such a distinction can answer any good purpose. May it not be expected that they will say, “ No people can be freer than ourselves ; every thing more than we enjoy is licentiousness, not liberty : any indulgencies shewn to the colonies heretofore, were like the indulgencies of parents to their infants ; they ought to cease with that tender age ; and as the colonies grow up, to a more vigorous state, they ought to be carefully disciplined, and all their actions regulated by strict laws.—Above all things it is necessary, that the prerogative should be exercised with its full force in our *American* provinces, to restrain them within due bounds, and secure their dependence on this kingdom.”*

* The subsequent conduct of *Great Britain*, has fully evinced her resolution to adhere to such political maxims as these.

I AM afraid, that this will be the opinion of the parliament, as it has been in every instance, the undeviating practice of the ministry.

But, sir, it may be said, “ these reasons are not “ conclusive, they do not demonstratively prove, “ that our privileges *will be* endangered by a “ change.” I grant the objection: but what stronger reasons, what clearer proofs are there, that they *will not be* endangered by a change.

THEY are safe now ; and *why* should we engage in an enterprize that will render them *uncertain* ? If nothing will content us but a revolution brought about by ourselves, surely we ought to have made the strictest inquiries what terms we may expect ; and to have obtained from the ministry some kind of security for the performance of those terms.

THESE things might have been done. They are not done. If a merchant will venture to travel with great riches into a foreign country, without a proper guide, it certainly will be adviseable for him to procure the best intelligence he can get, of the climate, the roads, the difficulties he will meet with, and the treatment he may receive.

I PRAY the house to consider, if we have the slightest security that can be mentioned, except

opinion (if that is any) either for the preservation of our present privileges, or gaining a single advantage from a change. Have we any writing? have we a verbal promise from any minister of the crown? We have not. I cannot therefore conceal my astonishment, that gentlemen should require a less security for the invaluable rights of *Pennsylvania*, than they would demand for a debt of five pounds. Why should we press forward with this unexampled hurry, when no benefit can be derived from it? Why should we have any aversion to deliberation and delay, when no injury can attend them?

It is scarcely possible, in the present case, that we can spend too much time, in forming resolutions, the consequences of which are to be *perpetual*. If it is true, as some aver, that we can *now* obtain an advantageous change of our government, I suppose it will be also true next week, next month, and next year: but if *they* are mistaken, it will be early enough, whenever it happens, to be disappointed, and to repent. I am not willing to run risques in a matter of such prodigious importance, on the credit of *any man's opinion*, when by a small delay, that can do no harm, the steps we are to take may become more safe. *Gideon*, tho' he had conversed with an "angel of the Lord" would

not attempt to relieve his countrymen, then sorely oppress by the *Midianites*, least he should involve them in greater miseries, until he was convinced by two miracles that he should be successful. I do not say, we ought to wait for *miracles*; but I think we ought to wait for something, which will be *next kin to a miracle*; I mean, some *sign of a favourable disposition in the ministry* towards us. I should like to see an *olive leaf* at least brought to us, before we quit our *ark*.

PERMIT me, sir, to make one proposal to the house. We may apply to the crown now, as freely as if we were under its immediate government. Let us desire his majesty's judgment on the point,* that has occasioned this unhappy difference between the two branches of the legislature. This may be done without any violence, without any hazard to our constitution. We say the justice of our demands, is clear as light; every heart must feel the equity of them.

If the decision be in our favour, we gain a considerable victory; the grand obstruction of the

* This point was one of the stipulations approved by the crown, in favour of the proprietors, with respect to the taxation of their estate. The governor, one branch of the legislature, insisted upon inserting in the bill then under consideration, the words of the stipulation; and thus adhered to the stipulation. The house of assembly, the other branch of the legislature, insisted upon taxing the proprietary estate, without being thus bound.

public service is removed ; and we shall have more leisure to carry our intentions coolly into execution. If the decision be against us, I believe the most zealous amongst us will grant it would be madness to expect success in any other contest. This will be a single point, and cannot meet with such difficulties, as the procuring a total alteration of the government. Therefore by separating it from other matters, we shall *soon* obtain a determination, and know *what chance* we have of succeeding in things of greater value. Let us try our fortune. Let us take a cast or two of the dice for smaller matters, before we dip deeply. Few gamesters are of so sanguine a temper, as to stake their *whole wealth* on *one* desperate throw at first. If we *are* to *play* with the *public happiness*, let us act at least with *as much* deliberation, as if we were *betting* out of our private purses.

PERHAPS a little delay may afford us the pleasure of finding our constituents more unanimous in their opinions on this interesting occasion : and I should choose to see a vast majority of them join with a calm resolution in the measure, before I should think myself justifiable in voting for it, even if I approved of it.

THE present question is utterly foreign from the purposes, for which we were sent into this place.

There was not the least probability at the time we were elected, that this matter could come under our consideration. We are not debating how much money we shall raise : what laws we shall pass for the regulation of property ; nor on any thing of the same kind, that arises in the usual parliamentary course of business. We are now to determine, *whether, a step shall be taken, that may produce an entire change of our constitution.*

IN forming this determination, one striking reflection should be preserved in our minds ; I mean, “ that we are the servants of the people of *Pennsylvania* ”——of *that people*, who have been induced by the excellence of the present constitution, to settle themselves under its protection.

THE inhabitants of remote countries, impelled by *that love of liberty which all-wise Providence has planted in the human heart*, deserting their native soils, committed themselves with their helpless families to the mercy of winds and waves, and braved all the terrors of an unknown wilderness, in hopes of enjoying in these woods, *the exercise of those invaluable rights*, which some *unhappy circumstance* had denied to mankind in every other part of the earth.

THUS, sir, the people of *Pennsylvania* may be

said to have *purchased* an inheritance in its constitution, at a prodigious price ; and I cannot believe, unless the strongest evidence be offered, that they are now willing to part with that, which has cost them so much toil and expence.

THEY have not hitherto been disappointed in their wishes. They have obtained the blessings they sought for.

WE have received these seats by the free choice of this people, under this constitution ; and to preserve it in its utmost purity and vigour, has always been deemed by me, a principal part of the trust committed to my care and fidelity. The measure now proposed has a direct tendency to endanger this constitution ; and therefore in my opinion, we have *no right* to engage in it, without the *almost universal consent of the people*, exprest in the plainest manner.

I THINK, I should improperly employ the attention of this house, if I should take up much time in proving, that the deputies of a people have not a right by any law divine or human, to change the government under which their authority was delegated to them, without such a consent as has been mentioned.—The position is so consonant to natural justice and common sense, that I believe it

never has been seriously controverted. All the learned authors that I recollect to have mentioned this matter, speak of it as an indisputable maxim.

It may be * said perhaps, in answer to this objection,—"that it is not intended to change the " government, but the governor." This, I apprehend, is a distinction only in words. The government is certainly to be changed from proprietary to royal; and *whatever may be intended*, the question is, whether such a change will not expose our present privileges to danger.

It may also be said, "that the petitions lying " on the table, are a proof of the people's consent." Can petitions so industriously carried about, and after all the pains taken, signed only by about thirty-five hundred persons, be looked on as the *plainest expressions of the almost universal consent* of the many thousands that fill this province? No one can believe it.

It cannot be denied, sir, that much the greatest part of the inhabitants of this province, and among them men of large fortunes, good sense, and fair characters, who value very highly the interest they have in the present constitution, have not signed

* This was frequently said in the house.

these petitions, and as there is reason to apprehend, are extremely averse to a change at this time.— Will they not complain of such a change? And if it is not attended with all the advantages they now enjoy, will they not have reason to complain? It is not improbable, that this measure may lay the foundation of more bitter, and more lasting dissensions among us, than any we have yet experienced.

BEFORE I close this catalogue of unhappy consequences, that I expect will follow our request of a change, I beg leave to take notice of the *terms* of the petition that is now under the consideration of the house.

THEY equally excite in my breast—surprise, and grief, and terror. This poor province is already sinking under the weight of the discredit and reproaches, that by *some fatality* for several years past, have attended our public measures; and we not only seize this unfortunate season to engage her in new difficulties, but prepare to pour on her devoted head, a load that must effectually crush her.—We inform the king by this petition, that *Pennsylvania* is become a scene of confusion and anarchy: that armed mobs are marching from one place to another: that such a spirit of violence and riot prevails, as exposes his majesty's good subjects to constant alarms and danger: that this

tumultuous disposition is so general, that it cannot be controuled by any powers of the present government; and that we have not any hopes of returning to a state of peace and safety, but by being taken under his majesty's immediate protection.

I CANNOT think this a proper representation of the present state of this province.—Near four months are elapsed, since the last riot: and I do not perceive the least probability of our being troubled with any more. The rioters were not only successfully opposed, and prevented from executing their purpose; but we have reason to believe, that they were convinced of their error, and have renounced all thoughts of such wild attempts for the future. To whose throat is the sword now held? What life will be saved by this application? Imaginary danger! Vain remedy! Have we not *sufficiently felt* the effects of royal resentment? Is not the authority of the crown *fully enough exerted* over us? does it become *us* to paint in the strongest colours, the follies or the crimes of our *countrymen*? To require unnecessary protection against men who intend us no injury, in such *loose* and *general* expressions, *as may produce even the establishment of AN ARMED FORCE among us?*

WITH unremitting vigilance, with undaunted virtue, should a free people *watch* against the en-

encroachments of power, and *remove every pretext* for its extension.

WE are a dependent colony ; and we need not doubt that *means will be used to secure that dependence*.——But that we ourselves should furnish a reason for settling a MILITARY ESTABLISHMENT upon us, must exceed the most extravagant wishes of those, who would be most pleased with such a measure.

WE may introduce the *innovation*, but we shall not be able to stop its *progress*. The precedent will be pernicious.——If a specious pretence is afforded for maintaining a small body of troops among us now, equally specious pretences will never be wanting hereafter, for adding to their numbers. The burthen that will be imposed on us for their support, is the most trifling part of the evil. The poison will soon reach our vitals. Whatever struggles we may make to expel it,

Hæret lateri letalis arundo——

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T H E
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RESPECTING THE
BRITISH COLONIES ON THE CONTI-
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CONSIDERED,

In a letter from a gentleman in *Philadelphia*, to his friend in *London*.

Prosumt minus recte excogitata; cum alios incitent saltem ad veritatis investigationem.

FULB. A BARTOL.

PRINTED AT PHILADELPHIA, 1765.

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF CHEMISTRY

RESEARCH REPORT

NO. 100

BY

ROBERT H. COOKE

AND

JOHN H. COOKE

CHICAGO, ILLINOIS

1950

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T H E

LATE REGULATIONS

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CONSIDERED.



SIR,

WHEN I last wrote to you and said, "that the
" late measures respecting *America*, would not
" only be extremely injurious to the *colonies*, but
" also to *Great-Britain*," I little thought I was
entering into an engagement, which would oblige
me to exceed the usual limits of a letter : but since
you desire to have at large the reasons in support
of this opinion, and I always think it my duty to
comply with your requests, I will endeavour in the
clearest manner I can, to lay my sentiments before
you.

THE *American* continental colonies are inhabited by persons of small fortunes, who *are* so closely employed in subduing a wild country, for their subsistence, and who *would* labour under such difficulties in contending with old and populous countries, which must exceed them in workmanship and cheapness, that they have not time nor any temptation to apply themselves to manufactures.

HENCE arises the *importance of the colonies to *Great-Britain*. Her prosperity depends on her commerce ; her commerce on her manufactures ;

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" As the case now stands, we shall shew that the *plantations* are a spring of wealth to this nation, that they *work* for us, that their treasure centers all here, and that the laws have tied them fast enough to us ; so that it must be through our own fault and mismanagement, if they become independent of *England*."

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" It is better that the islands should be supplied from the northern colonies than from *England*, for this reason ; the provisions we might send to *Barbadoes*, *Jamaica*, &c. would be *unimproved* product of the earth, as grain of all kinds, or such product where there is little got by the improvement, as malt, salt, beef and pork ; indeed, the exportation of salt fish thither would be more advantageous, but the goods which we send to the *northern colonies*, are such, whose improvement may be justly said one with another, to be near *four-fifths* of the value of the *whole commodity*, as apparel, household-furniture, and many other things."

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her manufactures on the markets for them ; and the most constant and advantageous markets are

" *New-England* is the most prejudicial plantation to the kingdom of *England* ; and yet, to do right to that most industrious *English* colony, I must confess, that though we lose by their unlimited trade with other foreign plantations, yet we are very great gainers by their direct trade to and from *old England*. Our yearly exportations of *English* manufactures, malt and other goods, ~~from~~ hence thither, amounting, in my opinion, to *ten times* the value of what is imported from thence ; which calculation I do not make at random, but upon *mature consideration*, and, peradventure, upon *as much experience in this very trade*, as any other person will pretend to ; and therefore, whenever reformation of our correspondency in trade with that people shall be thought on, it will, in my poor judgment, require GREAT TENDERNESS, AND VERY SERIOUS CONSIDERATION."

Sir JOSIAH CHILD's discourse on trade.

" Our plantations spend mostly our *English* manufactures, and those of all sorts almost imaginable, in *excessive quantities*, and employ near *two-thirds* of all our *English shipping* ; so that we have more people in *England*, by reason of our plantations in *America*."

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Sir JOSIAH CHILD says, in another part of his work, " that not more than fifty families are maintained in *England* by the refining of sugar." From whence, and from what *Davenant* says, it is plain, that the advantages here said to be derived from the plantations by *England*, must be meant chiefly of the continental colonies. See notes to page 59 and 60.

" I shall sum up my whole remarks on our *American* colonies, with this observation, that as they are a certain annual revenue of several millions sterling to their mother country, they ought carefully to be protected, duly encouraged, and every opportunity that presents, improved for their increment and advantage, as every one they can possibly reap, must at last return to us with interest."

BEAWE's Lex merc. red.

" We may safely advance, that our trade and navigation are greatly increased by our colonies, and that they really are a source of treasure and naval

tumultuous disposition is so general, that it cannot be controuled by any powers of the present government; and that we have not any hopes of returning to a state of peace and safety, but by being taken under his majesty's immediate protection.

I CANNOT think this a proper representation of the present state of this province.—Near four months are elapsed, since the last riot: and I do not perceive the least probability of our being troubled with any more. The rioters were not only successfully opposed, and prevented from executing their purpose; but we have reason to believe, that they were convinced of their error, and have renounced all thoughts of such wild attempts for the future. To whose throat is the sword now held? What life will be saved by this application? Imaginary danger! Vain remedy! Have we not *sufficiently felt* the effects of royal resentment? Is not the authority of the crown *fully enough exerted* over us? does it become *us* to paint in the strongest colours, the follies or the crimes of our *countrymen*? To require unnecessary protection against men who intend us no injury, in such *loose* and *general* expressions, *as may produce even the establishment of AN ARMED FORCE among us?*

WITH unremitting vigilance, with undaunted virtue, should a free people *watch* against the en-

encroachments of power, and *remove* every pretext for its extension.

WE are a dependent colony; and we need not doubt that *means will be used to secure that dependence*.——But that we ourselves should furnish a reason for settling a MILITARY ESTABLISHMENT upon us, must exceed the most extravagant wishes of those, who would be most pleased with such a measure.

WE may introduce the *innovation*, but we shall not be able to stop its *progress*. The precedent will be pernicious.——If a specious pretence is afforded for maintaining a small body of troops among us now, equally specious pretences will never be wanting hereafter, for adding to their numbers. The burthen that will be imposed on us for their support, is the most trifling part of the evil. The poison will soon reach our vitals. Whatever struggles we may make to expel it,

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The former sweeps off our silver and gold in a torrent to *Great-Britain*, and leaves us continually toiling to supply from a number of distant springs the continually wasting stream.

THUS drained, we are prohibited by new and stricter restraints being laid on our trade, from procuring these coins as we used to do : and from instituting among ourselves bills of credit in the place of such portions of them as are required in our internal traffic ; and in this exhausted condition, our languishing country is to strive to take up and to totter under the additional burthen of the STAMP ACT.

IN defence of the prohibition to institute *bills of credit*, it may be said, that some few colonies, by “ injudicious emissions of paper currency, did “ great injury to individuals.” It is true : but it is as true, that others ‡ always supported the credit of their bills in such a manner, that their emissions were of vast benefit both to the provinces and to *Great-Britain*. The inconveniencies under which the colonies laboured before these emissions are well remembered, and were produced by the

‡ No attempt was ever made in this province and some others, to pay *Eng-lish* debts any otherwise than according to the rate of exchange ; and no complaint was ever made of injustice from the depreciation of the currency.

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importations shewed how advantageous they were to *Great-Britain*. If any inconveniencies were feared from this kind of currency, means might have been found to prevent them, without utterly abolishing it: but now, the apprehension of mischiefs that might have been more easily obviated, has deprived us of real benefits.

PERHAPS no mode could be devised more advantageous to the public, or to individuals, than our method of emitting bills in this province for our own use. They are lent out upon good security, chiefly real, at the interest of *five per cent*. The

from the increase by propagation; and at that time I think foreigners did not flow in upon us in such numbers as they since have done. In the war large sums were brought among us for the maintenance of the fleets and armies, it is true: but that our currency was then of great utility is evident, because when the greatest quantity of it was passing, bills of exchange were lower than they were for a long time before, or have been since.

It may be objected, that the complaint of the scarcity of money in *America*, particularly in this province cannot be well founded, as we have lately had such large emissions. I am very sensible how liable persons are to errors in questions of this nature, and therefore I think myself obliged to speak with diffidence on the subject. Perhaps the following observations may in some measure answer the objection. 1st. About one half of the emissions is sunk. 2ndly. A very great part of the bills now circulating, are passing in the neighbouring provinces. 3dly. Our gold and silver are sent to *Great-Britain*, so that but small quantities thereof are now current among us—and therefore we must almost entirely rely on our paper for the medium of domestic commerce. Lastly. It does not seem probable, that we should have heard such great complaints of the scarcity of money, if the extreme restrictions of our commerce, had not so generally prevented our usual methods of acquiring it.

borrowers are allowed a long term for payment, and the sums borrowed being divided into equal portions, they are obliged to pay one of these with the interest of the whole, every year during the term. This renders the payments very easy ; and as no person is permitted to borrow a large sum, a great number are accommodated. The consequences of such regulations are obvious. These bills represent money in the same manner that money represents other things. As long therefore as the quantity is proportioned to the uses, these emissions have the same effects, that the gradual introduction of additional sums of money would have. People of very small fortunes are enabled to purchase and cultivate land, which is of so much consequence in settling new countries, or to carry on some business, that without such assistance they would be incapable of managing : for no private person, would lend money on such favourable terms. From the borrowers the currency passes into other hands, increases consumption, raises the prices of commodities, quickens circulation, and after communicating a vigour to all kinds of industry, returns in its course into the possession of the borrowers, to repay them for that labour which it may properly be said to have produced. They deliver it, according to the original contracts, into the treasury, where the interest raises a fund without the imposition of taxes, for the public use.

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" As the case now stands, we shall shew that the *plantations* are a spring of *wealth* to this nation, that they *work* for us, that their treasure *centers all here*, and that the laws have tied them fast enough to us ; so that it must be through our own fault and mismanagement, if they become independent of *England*."

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BEAWE's Lex merc. red.

" We may safely advance, that our trade and navigation are greatly increased by our colonies, and that they really are a source of treasure and naval

afforded by the colonies, as in all others the † rest of *Europe* interferes with her, and various accidents may interrupt them. The benefit from hence is at *present* immense; but in *future* times when *America* shall be more fully peopled, must exceed with prudent management the warmest wishes of a *British* patriot.

OUR chief productions are provisions, naval stores, furs, iron and lumber. A few colonies yield tobacco and indigo. Some of these commodities are necessary to *Great-Britain*; but all that she requires are vastly insufficient to pay for her manufactures which we want. The productions of some of the southern colonies may perhaps be equal to their demands, but the case is widely dif-

power to this kingdom, since *they work for us*, and their *treasure centers here*. Before their settlement, our manufactures were few, and those but indifferent; the number of *English* merchants very small, and the whole shipping of the nation much inferior to what now belongs to the northern colonies only. *These are certain facts*. But since their establishment, our condition has altered for the better, almost to a degree beyond credibility.—Our MANUFACTURES are prodigiously increased, chiefly by the demand for them in the plantations, where they AT LEAST TAKE OFF ONE HALF, and supply us with many valuable commodities for exportation, which is as great an emolument to the mother kingdom, as to the plantations themselves.”

POSTLETHWAYT'S univ. dict. of trade and commerce.

† “ Most of the nations of *Europe* have interfered with us, more or less, in divers of our staple manufactures, within half a century, not only in our wool-len, but in our lead and tin manufactures, as well as our fisheries.”

POSTLETHWAYT, *ibid.*

ferent with the northern ; for in these, the importations from *Great-Britain* are computed to be generally more than double the value of their immediate exportations to that kingdom.


THE only expedient left us for making our remittances, is to carry on some other trade, whereby we can obtain silver and gold; which our own country does not afford. Hence it is evident, that if our taking off and paying for her manufactures, is beneficial to *Great-Britain*, the channels by which we acquire money for that purpose, ought to be industriously kept open and uninterrupted.

OUR trade with *Spain*, *Portugal* and the foreign plantations in the *West-Indies* have chiefly answered this end, though with much difficulty, the mother country having long since drawn the * commercial

* As far as regulations are requisite to confine the commerce of the colonies to *British* subjects and to *British* ships ; to give *Great-Britain* the preference in being supplied with naval stores, so essential to her strength at sea ; with commodities necessary for carrying on her woollen manufactures, or such articles as can bear high duties upon them, and thereby make a considerable addition to the revenue ; or as far as they are requisite to prevent the colonies from being supplied with any thing in the place of *British* manufactures, they may be reasonable. These regulations, it is apprehended, establish the basis of the *British* power ; and form such a firm connection between the mother country and her colonies, as will produce all the advantages she ought to wish for, or that they can afford her. Any further attempt to shackle some of the colonies in favour of others, or to advance the revenue in *America* by restraining her trade, is but regulating by a severe exercise of power, what wants no

mit to—I *quit a subject too painful to be dwelt upon.*

THESE, sir, are my sentiments on the petition that has occasioned this debate. I think this neither the *proper season*, nor the *proper method*, for obtaining a change of our government. It is *uncertain*, whether the measures proposed will place us in a better situation, than we are now in, with regard to the point, lately controverted: with respect to other particulars it may place us in a worse. We shall run the *risque of suffering great losses*. We have *no certainty of gaining any thing*. In seeking a *precarious, hasty, violent* remedy for the present *partial* disorder, we are *sure of exposing the whole body to danger*. I cannot perceive the necessity of applying such a remedy. If I did, I would with the greatest pleasure pass over to the opinion of some gentlemen who differ from me, whose integrity and abilities I so much esteem, that whatever reasons at any time influence me to agree with them, I always receive a satisfaction from being on their side. If I have erred now, I shall comfort myself with reflecting, that it is an *innocent error*. Should the measures pursued in consequence of this debate, be opposite to my opinion; and should they procure a change of government with all the benefits we desire; I shall not envy the praise of others, who by their *fortunate*



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Charles the second, indeed mentions this practice as injurious. It might be so, if regarded without its attendant circumstances; but if *they* are taken into view, and it be considered, that if *we* do not carry these productions to *Europe*, *foreigners* will, no mischief seems likely to ensue from our becoming the carriers.‡

✓ THE restriction also with regard to our iron, is thought particularly severe. Whenever we can get a better price in *Great Britain*, than elsewhere, it is unnecessary; whenever we can get a better price in other places, it is * ^{prejudicial} prejudicial. Cargoes composed of this metal, provisions and lumber, have been found to answer very well at the *Portu-*

‡ See the preceding note.

* If *Great-Britain* really takes off from *Sweden* iron to the value of £. 200,000, according to the calculation that has been made, yet she does not lose all that sum. Not to insist on the merely political advantage of having a commerce with that *protestant* kingdom, which by being beneficial to her, may more firmly attach her to our interest, it may be observed, that the trade of *Great-Britain* to *Sweden*, it is for iron in the gross, which is afterwards worked up, and large quantities of it re-exported; so that money may thereby be brought into the kingdom, and a great number of hands is employed. There is a vast difference between this trade, and that to *France*, from whence the importations into *Great-Britain* are merely for consumption, without affording any employment to her people, or any profit by re-exportation. Besides, if the colonies can get more by carrying their iron to foreign ports, than to *Great-Britain*, (and if they cannot, there is no occasion of a law to compel them to carry it to *Great-Britain*) they will be more able to make larger demands for *British* manufactures; so that *Great-Britain* will gain the profits of our iron, to make up her loss by what she takes from *Sweden*.

guese and some other markets ; and as the last articles are frequently very low, and our foreign trade is reduced to so few commodities, the taking away any one of them must be hurtful to us. Indeed, to require us to send all our iron to *Great-Britain*, is, in the opinion of some of our most judicious merchants, to require an impossibility : for as this article is so heavy, and such small quantities can be sent in one vessel, they assert, that we cannot find freight directly home for one half of it.

BESIDES the circumstances already mentioned to prove the injurious consequences of the late restrictions, there is another, which has great force in persuading me that our trade ought by all means to be more encouraged and extended at this time, than was formerly necessary.—Our settlements then comprehended only a narrow strip along the shore of the ocean ; they were less populous ; and their distance from the sea ports being small, they were supplied with every thing they wanted from thence, without any length of inland carriage.—But now we have penetrated boundless forests, have passed over immense mountains, and are daily pushing further and further into the wilderness, the inhabitants of these remote regions, must of necessity hold very little intercourse with those which are near the sea, unless a very extensive

commerce shall enable these to supply them with such quantities of * foreign commodities as they want, and at such prices as they can afford to pay. Every restriction on our trade, seems to be a restriction on this intercourse, and must gradually cut off the connection of the interior parts with the maritime and the mother country.

BUT it is unnecessary to endeavour to prove by reasoning on these things, that we *shall suffer*, for we *already suffer*. Trade is decaying; and all credit is expiring. Money is become so extremely scarce, that reputable freeholders find it impossible to pay debts which are trifling in comparison to their estates. If creditors sue, and take out executions, the lands and personal estate, as the sale must be for ready money, are sold for a small part of what they were worth when the debts were contracted. The debtors are ruined. The creditors get but part of their debts, and that ruins them. Thus the consumers break the shop-keepers; they break the merchants; and the shock must be felt as far as *London*. Fortunate, indeed, is the man who

* It is apprehended, that if the greatest part of the commodities demanded by the back country should not be *British* but *West-Indian*, yet it must be beneficial to *Great-Britain* to promote this trade by all means. For if the country nearer the sea grows rich by supplying them with the productions of the *West-Indies*, these will certainly consume greater quantities of *British* manufactures.

can get satisfaction *in money* for any part of his debt, in some counties; for in many instances, after lands and goods have been repeatedly advertised in the public gazettes, and exposed to sale, not a buyer appears.

By these means multitudes are already ruined, and the estates of others are melting away in the same manner. It must strike any one with great surprize and concern, to hear of the number of debtors discharged every court by our insolvent act. Though our courts are held every quarter, yet at the last term for the county of *Philadelphia* alone, no less than thirty-five persons applied for the benefit of that act. If it be considered, that this law extends only to those who do not owe any single debt above £.150, that many are daily released by the lenity of their creditors, and that many more remove, without their knowledge, it will not be difficult to form a judgment of the condition to which the people are reduced.

If these effects are produced already, what can we expect, when the same causes shall have operated longer? What can we expect, when the exhausted colonies shall feel the STAMP ACT drawing off, as it were, the last drops of their blood? From whence is the silver to come with which the taxes imposed by this act, and the duties imposed by

other late acts, are to be paid? Or how will our *merchants* and the *lower ranks of people*, on whom the force of these regulations will fall first, and with the greatest violence, bear this additional load?

THESE last are to be considered in a very different light from those of the same classes in *Great-Britain*. *There* the nature of their employments, and the plenty of money give them very little occasion to make contracts in writing; but *here* they are continually making them, and are obliged to do so. The STAMP ACT, therefore, will be severely felt by *these*, in whose welfare the prosperity of a state is always so much interested; and * transfers of property, that ought, in new countries particularly to be made as easy as possible, will be much discouraged. From the necessity they are under of making contracts *to be executed afterwards*, the lower ranks of people here are frequently engaged in law suits; and as the law is already a very heavy tax on the subject in all parts of the *British*

* In the present scarcity of money, the sellers of lands, &c. always insist on having part of the purchase-money in hand.—The buyers, unless they happen to be rich men, find it impossible to comply with this term, unless they borrow money, which cannot now be done but in very small parcels from different persons—each of these must have a bond; and each of those bonds must pay a stamp-duty of one shilling sterling, if the sum be above ten pounds and under twenty—and if above twenty pounds and under forty, one shilling and six pence sterling—besides a heavy duty on the original contract.

dominions, this act will render it destructive here ; for the necessities, the follies, and the passions of mankind, will not suffer them to cease from harassing one another in that way.

NEITHER are the merchants here by any means able to bear taxes, as they do at home. A very great number of them there put such stocks into trade, as would be thought large fortunes among us ; and our merchants would think themselves very happy to leave off business with such estates as the others begin with. I speak of the merchants in general ; for we have on the continent individuals who are rich, but their number is too inconsiderable to deserve any notice on this occasion. Besides, the interest of money being lower at home than it is here, those who trade on borrowed stocks, can do it to much greater advantage there than we can. Indeed, among us it is almost impossible to get money to trade upon at any rate. How unequal, under the present disadvantages, a merchant's commerce will be to the payment of all the taxes imposed by the STAMP ACT on his policies, fees with clerks, charter parties, protests, his other notarial acts, his letters, and even his advertisements, experience, I am afraid will unhappily prove.

THUS, I apprehend, that this act will be extremely heavy on those who are least able to bear

it ; and if our merchants and people of little substance languish under it, all others must be affected. Our mode of taxation, hath always been by making as exact an estimate as could be formed of each man's estate ; by which means, our taxes have been proportioned to the abilities of those who were to pay them. Few persons are employed in the collection of them ; their allowance is very moderate ; and therefore the expence is small.— No excessive penalties, no tribes of informers, no dreadful and detestable courts are necessary. This I imagine, is the mode of taxation, which in young colonies, will be found to be least oppressive and destructive, and certainly the most equal : but by the STAMP ACT, the † wealthy who have money to let out at interest, or to make purchases, and undoubtedly ought to pay the most towards the public charges, will escape these taxes, while the whole weight of them will fall on the necessitous and industrious, who most of all require relief and encouragement.

BUT it may be said, “ That the merchants will
 “ not be affected by these taxes, because they will
 “ raise the prices of their goods in proportion, and
 “ that at length *all taxes must arise from lands.*”

† If a rich man buys land, it is generally from the distressed, and therefore the seller's situation will oblige him to pay for the deed when the other insists on it ; and when a man borrows money, every body knows who pays for the bonds and mortgages.

THIS rule seems more applicable to very populous and rich countries, where the manufacturers and landholders through necessity or the force of fashions, have pressing demands upon the merchants, than to such a country as this, where a great majority of the people live on their lands in a very plain way. For by practising a strict frugality and industry, *we* may render ourselves more independent of the merchants, than the circumstances of more populous and wealthy states will permit the other classes of their people to be. The high prices therefore which our merchants impose upon their goods, will discourage the sale of them, and consequently they must "be affected by the taxes," which oblige them to raise the prices in this manner.

HOWEVER, granting that all taxes must arise from lands; it follows, that where the profits of the lands are small, they can bear but small taxes. The more labour is bestowed on them, the greater the profits *will* be, and the taxes *may* be. In old populous countries there is an opportunity of bestowing this labour, and the manner of doing it is well understood. Thus in *England*, the profits of land are so great, as to support a very large number of nobility and gentry in splendor, and to afford means of raising taxes to an amazing amount. Nor are the workers of the land unrewarded; for

the farmers have such long leases, and other encouragements, that they thrive and live comfortably, and many of them are very wealthy.

How different is the case in *America*? The inhabitants being scattered thin through the country, and labourers being very scarce, they think themselves fortunate, if they can clear their land, fence it, and any how put their grain into the ground in season. Manuring or † improving soils is not known, except in some small closes near cities; but every one must be content with what his land will yield of itself. With this it must be considered, that at least four fifths of the people in *America*, live upon farms either of their own, or rented, and spend their small profits in maintaining their families; and it frequently happens from the length and severity of our winters, that the whole produce of a man's farm is not sufficient to maintain his family and stock.

† " Further, it may be observed, that our lands are not sufficiently cultivated, even where they are capable of great improvement. Hence large tracts serve only to maintain a small number of people. If we ask, why our lands (meaning in *Scotland*) are so ill cultivated, besides the OBVIOUS CAUSES arising from the POVERTY and UNSKILFULNESS of many of our farmers, the SHORTNESS OF THEIR LEASES, and other things which will occur upon the least reflection, it is not a little owing to a want of inclination for agriculture, &c."

[WE are informed, that an opinion has been industriously propagated in *Great-Britain*, that the colonies are ‡ wallowing in wealth and luxury, while she is labouring under an enormous load of debt. Never was there a greater mistake. This opinion has arisen from slight observations made in our cities during the late war, when large sums of money were spent here in support of fleets and armies. Our productions were then in great demand, and trade flourished.] Having a number of strangers among us, the people, naturally not ungenerous or inhospitable, indulged themselves in many uncommon expences. But the cause of this gaiety has ceased, and all the effect remaining, is,

‡ "It is certain, that from the very time Sir *Walter Raleigh*, the father of our *English* colonies, and his associates, first projected these establishments, there have been persons who have found an interest, in *misrepresenting*, or lessening the value of them — The attempts were called chimerical and dangerous. Afterwards many malignant suggestions were made about sacrificing so many *Englishmen* to the obstinate desire of settling colonies in countries which then produced very little advantage. But as these difficulties were gradually surmounted, those complaints vanished. No sooner were *these lamentations* over, but *others* arose in their stead; when it could be no longer said, that the colonies were *useless*, it was alledged that they were not *useful enough* to their mother country; that, while we were loaded with taxes, they were absolutely free; that the *planters* lived like *princes*, while the inhabitants of *England* laboured hard for a tolerable subsistence. This produced customs and impositions, which, if grievous to the plantations, must turn to our disadvantage, as well as theirs, and consequently become detrimental to both."

POSTLETHWAYT'S univ. dict. of trade and commerce.

that we are to be treated as a rich people, when we are really poor. *Tully* mentions a man who lost an honourable office, by the homely entertainment he gave the people of *Rome*, when he could have afforded a better; but we have lost vastly more by the imprudent excess of kindness, with which we have treated the people of *Great-Britain* who have come among us, at an expence that did not suit our fortunes.

To all the disadvantages that have been mentioned, it must be added, that our markets are much more precarious than those at home. It is computed, that one half of the people there live in cities, and consequently there must be a perpetual domestic demand for the productions of the earth; and foreign markets are not far distant for the overplus. Here the quantity sold for consumption among us is small, and most of the foreign markets are very remote.

THESE reasons induce me to think, that the colonies, unless some fortunate events, not to be expected, should happen, cannot bear the restrictions and taxations laid upon them by their mother country, without suffering very severely. What then can we do? Which way shall we turn ourselves? How may we mitigate the miseries of our country? *Great-Britain* gives us an example to

guide us. *She teaches us to make a distinction between her interests and our own.* Teaches! She requires—commands—insists upon it—threatens—compels—and even distresses us into it.

We have our choice of these two things—to continue our present limited and disadvantageous commerce—or to promote manufactures among ourselves, with a habit of œconomy, and thereby remove the necessity we are now under of being supplied by *Great-Britain.*

It is not difficult to determine which of these things is most eligible. Could the last of them be only so far executed, as to bring our demand for *British* manufactures below the profits of our foreign trade, and the amount of our commodities immediately remitted home, these colonies might revive and flourish. States and families are enriched by the same means; that is, by being so industrious and frugal, as to spend less than what they raise can pay for.

We have examples in this province, which if imitated by others, must unavoidably produce the most happy effects for us; I mean the examples of the industrious, frugal, honest *Germans.* Their lands are as well cultivated as they can be in this new country, and they have the good sense to re-

quire very little provisions and clothes more than they can get from their own farms, and make with their own hands. If we only consider for a moment the consequences of such a conduct, should it be general, we must be convinced it must produce commerce, since all superfluities would be exported; and the owners having few demands in return, *that commerce* would of course produce wealth.

INDEED we shall be compelled, I apprehend, generally to imitate these examples. The late regulations, and our constant remittances to *Great-Britain*, have extremely lessened the quantity of money among us, and yet these remittances are not sufficient to pay for those things we require from home. Necessity will teach us two ways to relieve ourselves. The one, is, to keep the *British* manufactures we purchase longer in use or wear than we have been accustomed to do. The other, is, to supply their place by manufactures of our own. I do not suppose our difficulties will *immediately* produce expert artists among us; but as the inhabitants here generally reside on their lands, and live in a plain rustic way, they will be able to supply themselves with many articles. Some author, and I think *Keyser*, says, that in *Switzerland* every family has all the trades in it that are necessary for its use. Their work is not, it may be presumed,

at all in the taste of *London* or *Paris*, but it served their purpose ; and their coarse clothes and simple furniture enable them to live in plenty, and to defend their liberty. Something of this kind will be, nay, already is, practised by us. It is surprising to see the linen and cloth that have been lately made among us. Many gentlemen in this city dress now in suits produced, manufactured, and made up in this province. The cloth is not equal in fineness to the best broad-cloth, but it is warm, strong, and not very homely ; and when the *British* workmen understand that they may meet with better encouragement here than they do at home, I believe in a few years we shall have very different kinds of cloth among us from these we now make. Instances are not wanting to justify the most sanguine expectations on this head. *Spain* used formerly to be entirely supplied with cloths from *England* ; but in the reigns only of their two last kings, *Philip* the Vth, and *Ferdinand* the VIth, their manufactures have been improved to such a degree, even by that proud and indolent people, that this commerce has entirely ceased in most parts of that kingdom. The same thing has happened in *France*, notwithstanding the destructive wars in which she has been continually involved. *Switzerland* some time ago spent large sums of money in foreign commodities ; but now they make excellent cloths, and good silks, though the scheme at first laboured un-

der very great difficulties. That country used also to be supplied by *Savoy* with wine; but the duke laying a duty upon it, the *Switzers* remonstrated, but in vain. At last some of the principal men promoted the cultivation of vines, though their predecessors had never planted any. The result exceeded their hopes. ‡ “The demand for the *Savoyard* wine daily decreased, and instead of the precarious advantage arising from this *impolitic duty*, the certain revenue was *irretrievably lost*, and the industrious subject deprived of the benefit of his labour.”

“BEFORE the settlement of these colonies,” says *Postletbwayt*, “our manufactures were few, and those but indifferent. In those days we had not only our naval stores, but our ships from our neighbours. *Germany* furnished us with all things made of metal, even to nails. Wine, paper, linens, and a thousand other things, came from *France*. *Portugal* supplied us with sugar; all the products of *America* were poured into us from *Spain*; and the *Venetians* and *Genoese* retailed to us the commodities of the *East Indies*, at their own price.”

THE astonishing alterations in all these particulars, are too well known to need enumeration.

THESE instances, and many others that might be mentioned, may convince us, that nothing is too difficult for men to effect, whose hearts are filled with a generous love of their country; and they may convince the world of the dangers that attend provoking innovations in commerce. A branch of trade once lost, is lost forever. In short, so strong a spirit is raised in these colonies by late measures, and such successful efforts are already made among us, that it cannot be doubted, that before the end of this century, the modern regulations will teach *America*, that she has resources within herself, of which she never otherwise would have thought.—Individuals, perhaps, may find their benefit in opposing her use of these resources; but I hope very, very few, will wish to receive benefits by such means. The man who would promote his own interests by injuring his country, is unworthy of the blessings of society.

[IT has hitherto been thought, by the people of *Great-Britain*, and I hope it will still be thought, that sufficient advantages are derived by her from the colonies, without laying taxes upon them. To represent them as an “expensive appendage of the “*British* empire, that can no other way repay the “trouble and treasure they cost her,” is certainly one of the greatest errors; and to spend much time in refuting this notion, would be unnecessary.

Every advantage accruing to the colonies by their connection with the mother country, is *amply*—*dearly*—paid for, by the benefits derived to her from them, and by the restrictions of their commerce.] These benefits have been allowed by the best writers to be immense, and ‡ consist in the various employment and the support they afford her people. If the colonies enable *her* to pay taxes, is it not as useful to her, as if *they* paid them? Or, indeed, may not the colonies with the strictest propriety be said to pay a great part of those taxes, when they consume the *British* manufactures loaded with the advanced prices occasioned by such taxes? Or, further, as the colonies are compelled to take those manufactures thus * loaded, when they might furnish themselves so much cheaper from other countries, may not the difference between these prices be called an *enormous tax* paid by them to *Great-Britain*? [May they not also be said to pay an *enormous tax* to her, by being compelled to carry their most valuable productions *to her alone*,

‡ Chiefly; even the supplying her with naval stores, &c. being inconsiderable, when compared with the other advantages.

* “ If it be asked whether foreigners, for what goods they take of us, do not pay on *that consumption* a great portion of our taxes? It is admitted they do.”

POSTLETHWAYT'S *Great-Britain's* true system.

By the consumption of *British* manufactures in *America*, we pay a heavier tax to *Great-Britain*, than if they were consumed at home. For in the bring-

and to receive what she pleases to give for them, when they might sell them at other markets to much greater advantage? Lastly, may they not be said to pay a heavy tax to her, in being prohibited from carrying on such manufactures as they could have employed themselves in with advantage, and thus being obliged to resort to her for those things with which they might supply themselves? If these things are true, and can they be denied! may not the mother country more justly be called *expensive* to her colonies, than they can be called *expensive* to her?]

WHAT would *France* give for such *expensive* dominions?—Would she refuse the empire of *North-America*, unless the inhabitants would submit to any taxes she should please to impose? Or

ing them here, a vast number of merchants, factors, brokers and seamen are employed, every one of which must have such a profit, as will enable him to support himself and his family, if he has any, in a country where every thing is dear by reason of the high taxes.

So far was the parliament from thinking in the last war, that any further taxes should be laid on the colonies, so convinced indeed were they that we had exceeded our abilities in the supplies we gave to the crown, that several sums of money were granted to us as indemnifications for the too heavy expences in which we had involved ourselves.

The sums thus given, paid part of our debts, but we are still labouring under the remainder.

would she not rather afford them her utmost protection, if ever they should be wretched enough to require it, for one half of the emoluments *Great-Britain* receives from them? In short, the amazing increase of the wealth and strength of this kingdom, since the reign of queen *Elizabeth*, in whose time the colonies began to be settled, appears to be a sufficient proof of their importance: And therefore I think it may justly be said, that *the foundations of the power and glory of Great-Britain are laid in America.*

WHEN the advantages derived by the mother country from her colonies are so ‡ *important* and *evident*, it is amazing, that any persons should venture to assert, “ that she poured out her wealth and “ blood in the late war, *only for their defence and “ benefit*; and that she cannot be recompensed for “ this expence and loss, *but by taxing them.*”

IF any man who does not choose to spend much time in considering this subject, would only read the speeches from the throne during that period, with the addresses in answer to them, he will soon be convinced *for whose benefit Great-Britain* thought she was exerting herself. For my part, I should not now be surprized, if those who main-

‡ Vide notes to pages 48 and 49.

tain the above-mentioned assertions, should contend, that *Great-Britain* ought to tax *Portugal*. For was not that kingdom “ defended by the troops “ and treasure of *Great-Britain* ?” And how can she be “ otherwise recompensed for this expence “ and loss ?” If the protection of *Portugal*, though no taxes are received from thence, was beneficial to *Great-Britain*, infinitely more so was the protection of the colonies.

So far I must beg leave to dissent from these gentlemen, that if the colonies, by an increase of industry and frugality, should become able to bear this taxation, it will, in my apprehension, notwithstanding be injurious to *Great-Britain*. If the sum be trifling, it cannot be worth the discontent and unhappiness the taking it will produce among so many faithful subjects of his majesty. If it be considerable, it must also be hurtful in another respect.

It must be granted, that it is not merely the bringing money into a nation that makes it wealthy, but the bringing money into it by the general industry of its inhabitants. A country may perpetually receive vast sums, and yet be perpetually poor. It must also be granted, that almost all the money acquired by the colonies in their other branches of trade, is spent by them in *Great-Britain*,

and finds employment for her people. Whatever then lessens the sum so spent, must lessen that employment. This I think will be one consequence of the STAMP ACT: for our demand will be as much less for *British* manufactures, as the amount of the sums raised by the taxes. So much the fewer *British* merchants, artists, seamen and ships will be employed by us, and so much the more distressed at first, and afterwards so much the more frugal, † ingenious, laborious and independent will the colonists become.

It is evident from the concurrent testimony of her own most noted authors on this subject, that *Great-Britain* is sure of having our money at * last; and it appears no difficult matter to determine, whether it is better to take it in taxes or trade.— Suppose the STAMP ACT, enforced by uncommon penalties and unheard of jurisdictions, should pick up every piece of gold and silver that shall wander into the plantations, what would *Great-Britain* gain by this measure? Or rather what would she not lose, by attempting to advance her revenue by means so distressing to commerce?

† *Great-Britain* will not only lose in such case, the annual amount of the taxes, but the people of *America* establishing manufactures through discontent, will in time entirely withdraw their intercourse with her.—And therefore her loss of the whole *American* trade, may be justly attributed to this inauspicious beginning.

* See notes to pages 48 and 49.

BUT if the late restrictions shall not prove *profitable*, perhaps they may by some be called *prudent* for another reason. We are informed that many persons at home affect to speak of the *colonists*, as of a people designing and endeavouring to render themselves independent, and therefore it may be said to be proper as much as possible to DEPRESS them. This method for securing obedience, has been tried by many powerful nations, and seems to be the constant policy of commonwealths: but the attempt in almost every instance from *Athens* down to *Genoa*, has been unsuccessful. *Many states and kingdoms have lost their dominions by severity and an unjust jealousy. I remember none that have been lost by kindness and a generous confidence.* Evils are frequently precipitated, by imprudent attempts to prevent them. In short, we never can be made an independent people, except it be by † *Great-Britain* herself; and the only way

† “ If we are afraid that one day or other the colonies will revolt, and set up for themselves, as some seem to apprehend; let us not *drive* them to a necessity to *feel* themselves independent of us; as they *will* do, the moment they perceive that *they can be supplied with all things from within themselves*, and do not need our assistance. If we would keep them still dependent upon their mother country, and in some respects *subservient* to their *views* and welfare; let us make it their INTEREST always to be so.”

TUCKER on trade.

“ Our colonies, while they have *English* blood in their veins, and have relations in *England*, and WHILE THEY CAN GET BY TRADING WITH US, the stronger and greater they grow, the more this crown and kingdom will get by them;

for her to do it, is to make us frugal, ingenious, † united and discontented.

But if this event shall ever happen, which Providence I hope will never permit, it must be when the present generation and the present set of sentiments are extinct. Late measures have indeed excited an universal and unexampled grief and indignation throughout the colonies. What man who wishes the welfare of *America*, can view with-

and nothing but such an arbitrary power as shall make them desperate can bring them to rebel." DAVENANT on the plantation trade.

"The northern colonies are not upon the same footing as those of the south; and having a worse soil to improve, they must find the recompence some other way, which only can be in property and dominion: upon which score, any innovations in the form of government there, should be cautiously examined, for fear of entering upon measures, by which the industry of the inhabitants be quite discouraged. 'Tis ALWAYS UNFORTUNATE for a people, either by CONSENT or upon COMPULSION, to depart from their PRIMITIVE INSTITUTIONS, and THOSE FUNDAMENTALS, by which they were FIRST UNITED TOGETHER." *Idem.*

† The most effectual way of *uniting* the colonies, is to make it their common interest to oppose the designs and attempts of *Great-Britain*.

"All wise states will well consider how to preserve the advantages arising from colonies, and avoid the evils. And I conceive that there can be but two ways in nature to hinder them from throwing off their dependence; *one*, to keep it out of their *power*, and the *other*, out of their *will*. The *first* must be by *force*; and the *latter*, by *using them well*, and keeping them employed in such productions, and making such manufactures, as will support themselves and families comfortably, and *procure them wealth too*, and at least not prejudice their mother country.

out pity, without passion, her restricted and almost stagnated trade, with its numerous train of evils—taxes torn from her without her consent—Her legislative assemblies, the principal pillars of her liberty, crushed into insignificance—a formidable force established in the midst of peace, to bleed her into obedience—the sacred right of trial by jury, violated by the erection of arbitrary and unconsti-

Force can never be used effectually to answer the end, without destroying the colonies themselves. Liberty and encouragement are necessary to carry people thither, and to keep them together when they are there; and violence will hinder both. Any body of troops considerable enough to awe them, and keep them in subjection under the direction too of a needy governor, often sent thither to make his fortune, and at such a distance from any application for redress, will soon put an end to all planting, and leave the country to the soldiers alone, and if it did not, would eat up all the profit of the colony. For this reason, arbitrary countries have not been equally successful in planting colonies with free ones; and what they have done in that kind, has either been by force at a vast expence, or by departing from the nature of their government, and giving such privileges to planters as were denied to their other subjects. And I dare say, that a few prudent laws, and a little prudent conduct, would soon give us far the greatest share of the riches of all America, perhaps drive many of other nations out of it, or into our colonies for shelter.

There are so many exigencies in all states, so many foreign wars, and domestic disturbances, that these colonies CAN NEVER WANT OPPORTUNITIES, if they watch for them, to do what they shall find their interest to do; and therefore we ought to take all the precautions in our power, that it shall never be their interest to act against that of their native country; an evil which can no otherwise be averted, than by keeping them fully employed in such trades as will increase their own, as well as our wealth; for it is much to be feared, if we do not find employment for them, they may find it for us. The interest of the mother country, is always to keep them dependent, and so employed; and it requires all her address to do it; and it is certainly more easily and effectually done by gentle and insensible methods, than by power alone."

CATO's letters.

tutional jurisdiction—and general poverty, discontent and despondence stretching themselves over his unoffending country ?

THE reflections of the colonists on these melancholy subjects, are not a little embittered by a firm persuasion, that they never would have been treated as they are, if *Canada* still continued in the hands of the *Frenth*. Thus, their hearts glowing with every sentiment of duty and affection towards their mother country, and expecting, not unreasonably perhaps, some marks of tenderness in return, are pierced by a fatal discovery, that the vigorous assistance which they faithfully afforded her in extending her dominions, has only proved the glorious but destructive cause of the calamities they now deplore and resent.

YET still their resentment is but the resentment of dutiful children, who have received unmerited blows from a beloved parent. Their obedience to *Great-Britain* is secured by the best and strongest ties, *those of affection*; which alone *can*, and I hope *will* form an everlasting union between her and her colonies. May no successes or suspicions ever tempt *her* to deviate from the natural generosity of her spirit—And may no dreadful revolution of sentiments ever teach *them* to fear her victories, or to pine at her glories. *I am, &c.*

P O S T S C R I P T.

I HAVE omitted mentioning one thing that seems to be connected with the foregoing subject.

WITH a vast expence of blood and wealth, we fought our way in the late war up to the doors of the *Spanish* treasuries, and by the possession of *Florida*, might obtain some recompence for that expence. *Pensacola*, and the other ports in that country, are convenient places, where the *Spaniards* might meet us, and exchange their silver for the manufactures of *Great-Britain*, and the provisions of these colonies. By this means, a commerce inconceivably beneficial to the *British* subjects, might be carried on. This commerce the *Spaniards* wish and have endeavoured to carry on. Many hundred thousand dollars have been brought by them to *Pensacola* to lay out there ; but the men of war on that station have compelled them to take back their cargoes, *the receipt of which*, it may from thence be presumed, *would be destructive to the interest of Great-Britain.*—Thus we receive less advantage from *Florida*, now it belongs to us, than we did when it was possessed by our enemies ; for then by permission from the *Spanish* governors,

to trade there, we derived considerable emoluments from our intercourse with them.

UPON what reasons this conduct is founded, is not easy to determine. Sure no one considers *Florida* in the same light with *these colonies*, and thinks that no vessels should be permitted to trade there, but *British* shipping. This would be to apply the acts of navigation to purposes directly opposite to the spirit of them. They were intended to preserve an intercourse between the *mother country* and her *colonies*, and thus to cultivate a *mutual affection*; to promote the interests of *both*, by an exchange of *their* most valuable productions for *her* manufactures; thereby to increase the shipping of both; and thus render them capable of affording aid to each other. Which of these purposes is answered by prohibiting a commerce, that can be no other way carried on? That is, by forbidding the *Spaniards* to bring their wealth *for us* to *Florida*, which is an unhealthy sand-bank, held by a garrison, at a great expence of money, and a greater of lives, that cannot for ages, if ever it will, yield a single advantage to *Great-Britain*, but *that* she refuses to enjoy.

HOUSE OF REPRESENTATIVES,

IN

PENNSYLVANIA,

SEPTEMBER 11, 1765.

THE house resumed the consideration of their resolution of yesterday, to appoint a committee of three or more of their members, to attend a general congress of committees from the several assemblies on this continent, to be held at *New-York*, on the first of *October* next, and after some time spent therein,

Resolved,

That Mr. Speaker, *Mr. Dickinson*, *Mr. Bryan*, and *Mr. Maxon*, be, and they are hereby nominated and appointed to attend that service."

T H E
R O U G H D R A F T
O F T H E

Resolves of the first Congress,

HELD AT NEW-YORK, IN THE YEAR 1765.

“ W E, the Deputies from the colonies of Massachusetts Bay, Rhode-Island, Connecticut, New-York, New-Jersey, Pennsylvania, the lower Counties on Delaware, Maryland, and South-Carolina, in general congress assembled, DECLARE,

✓ 1. T H A T his majesty's subjects in these colonies, owe the same allegiance to the crown of *Great Britain*, that is due from his subjects born within the realm.

J 2. T H A T all acts of parliament, not inconsistent with the principles of freedom, are obligatory on the colonists.

✓ 3. THAT his majesty's liege subjects in these colonies, are as free as his subjects in *Great Britain*.

4. THAT it is inseparably essential to the freedom of a people, that no taxes be laid upon them, but with their own consent given personally, or by their representatives.

5. THAT the people of these colonies are not, and from local circumstances cannot be represented in the house of commons in *Great Britain*.

6. THAT the only representatives of the people of these colonies, are the persons chosen therein by themselves for that purpose.

7. THAT no taxes can be constitutionally imposed on the people of these colonies, but by their grants made in person or by their representatives.

8. THAT the power of granting supplies to the crown in *Great Britain* belonging solely to the commons, and consequently all such grants being only *gifts* of the people to the crown, it therefore involves an inconsistency with the principle and spirit of the *British* constitution, and with reason, for the commons of *Great Britain* to undertake to *give* to his majesty, according to the terms of the

late act of parliament, entitled, " An act for granting certain duties in the *British* colonies and plantations in America," &c. the property of the colonists.

9. THAT trial by jury is the inherent and invaluable right of every freeman in these colonies.

10. THAT the late act of parliament passed in the fifth year of his majesty's reign, entitled, " An act for granting and applying certain *stamp* duties and other duties, in the *British* colonies and plantations in America," and by imposing taxes on the inhabitants of these colonies, and by extending the jurisdiction of the courts of admiralty, is subversive of their most sacred rights and liberties.

11. That the duties imposed by the said first mentioned act, will be, from the peculiar circumstances of these colonies, extremely grievous and burthensome.

12. That the restrictions imposed by several late acts of parliament on the trade of these colonies, must of necessity be attended by consequences very detrimental to the interests of *Great-Britain* and *America*.

13. That the prosperity of these colonies depends on the reservation of their rights and liberties, and an intercourse with *Great-Britain* mutually affectionate and advantageous.

14. That it is the indispensable duty of these colonies to the best of sovereigns, to the mother country, and to themselves, to endeavour by legal and dutiful addresses to his majesty, and both houses of parliament, to procure the repeal of the "act for granting and applying certain *stamp* duties," of all clauses whereby the jurisdiction of the admiralty is extended as aforesaid, and of the other late acts for the restriction of *American* commerce.

15. That it is the right of the British subjects on this continent to petition the king, and lords and commons in parliament assembled, whenever they judge their liberties and interests to be so far affected, as to render such applications necessary."

A N
ADDRESS
TO THE
COMMITTEE OF CORRESPONDENCE
IN
BARBADOES.
OCCASIONED BY A LATE LETTER FROM THEM
TO
THEIR AGENT IN LONDON.

BY A NORTH-AMERICAN.

THIS WORD, REBELLION, HATH FROZE THEM UP
LIKE FISH IN A POND. SHAKESPEARE.

PRINTED AT PHILADELPHIA, IN THE YEAR 1766.

VOL. I.

N

[illegible]

100

P R E F A C E

HAD the charge of REBELLION been made by a private person against the colonies on this continent, for their opposition to the Stamp Act, I should not have thought it worth answering.— But when it was made by men vested with a public character, by a committee of correspondence, representing two branches of legislature in a considerable government, and the charge was not only approved, as it is said, by those branches, but was actually published to the world in news-papers, it seemed to me to deserve notice. I waited some time, in hopes of seeing the cause espoused by an abler advocate ; but being disappointed, I resolved, “*favente Deo*,” to snatch a little time from the hurry of business, and to place, if I could, the letter of those gentlemen to their agent, in a proper light.

It is very evident from the generality of their accusation against their “fellow-subjects on the “northern continent ;” of the expressions they use in the latter part of their letter, when they speak of the “violent spirit raised in the North-American colonies,” and from what follows, that they do not apply the opprobrious term they use, only to those few of the lower rank, who disturbed us with

two or three mobs in some of the provinces, nor to any other particular class of people; but that the censure is designed for ALL the inhabitants of these colonies who were any way concerned in the opposition that has been given, and consequently that the modes of that opposition are thereby condemned. Two considerations therefore have induced me to undertake their defence. First, to vindicate the honour of my country, which I think grossly and wantonly insulted. Secondly, to refute opinions, that in unfortunate times, may, if adopted, be injurious to liberty.

Many good pieces, have been published in these colonies, to shew their title to the rights claimed by them; the invasion of those rights by the Stamp Act; the other hardships imposed on them, and the bad consequences that probably would follow these measures; but nothing has appeared, at least I have seen nothing that I recollect, in defence of the principle on which the opposition has been made, and of the manner in which it has been conducted. These are points entirely new; and the consideration of them is now rendered necessary, by the public reproach that has been thrown on the people of this continent.

A
L E T T E R
FROM THE
COMMITTEE OF CORRESPONDENCE
IN
BARBADOS,
TO THEIR AGENT IN LONDON.

S I R,

“ IN compliance with the united resolution of
“ the two branches of our legislature, of which we
“ have severally the honour to be members, and to
“ compose their committee of correspondence, we
“ are now to desire you to lay our complaints be-
“ fore his majesty and the parliament, on the hard-
“ ships which this community labours under, by
“ the imposition of the stamp duties, lately put
“ in force amongst us. We have, indeed, sub-
“ mitted, with all obedience, to the act of parli-
“ ament; yet our *submission* has, by no means,
“ arisen from any consciousness of our ability to
“ bear the burden of these taxes, or from the want

“ of a due sense of the *oppressive weight of them*
“ *in all its parts*, but from a *principle of loyalty*
“ to our king and mother country, which has carri-
“ ed us above every consideration of our own dis-
“ tresses : yet, if we have suffered without resist-
“ ance, we have learnt by it to complain with rea-
“ son ; and, since we have raised no clamours from
“ our own fears, we must surely have the better ti-
“ tle to *remonstrate from our feelings*. But, with
“ respect to the manner in which our grievances
“ in this case, along with so good a proof of our
“ *obedience to the laws of our mother country*, are
“ to be reported to his majesty and the parliament,
“ we must *refer ourselves to your good judgment*
“ *and discretion* ; so much better circumstanced
“ as you are on that side of the water to judge for
“ us, than we can do at this distance for ourselves ;
“ and so perfectly assured as we are also of your
“ ability and zeal, in the conduct of every matter
“ of importance that can be intrusted to your
“ agency for this country’s service. To you, sir,
“ therefore we give the power, in the name of our
“ council and assembly, to present such a *memo-*
“ *rial*, or *memorials*, to his majesty, and the two
“ houses of parliament (if to all be necessary) as
“ to yourself shall seem most proper and advise-
“ able ; setting forth the anxiety and distresses of
“ our country, under this new and extraordinary
“ burden of taxation, by which we not only find

“ ourselves loaded with a charge more than is
 “ proportioned to our circumstances, but deprived
 “ also of a privilege, which renders the oppression
 “ beyond measure grievous. We see two of the
 “ most important objects to such a colony as ours,
 “ trade and justice, crouching under the load of
 “ these new duties ; and by the manner in which
 “ the duties have been imposed, we find too the
 “ most valuable of all our civil rights and liber-
 “ ties sinking along with them. The design of
 “ this new and extraordinary charge upon our
 “ country is, towards defraying the expences of
 “ defending, protecting and securing, the colonies
 “ of AMERICA. But what new and extraordinary
 “ expence has this colony put the nation to, for
 “ the expence of maintaining of troops quartered
 “ in the several provinces of NORTH-AMERICA,
 “ for the protection and security of those parts of
 “ the British dominions ? This is just as reason-
 “ able, and just as merciful too, as it would be to
 “ impose a heavy mulct on the inhabitants of this
 “ place, by way of a punishment for the present
 “ REBELLIOUS opposition given to authority,
 “ by our fellow-subjects on the northern continent.
 “ But if we are to be subject to the power of the
 “ parliament of Great-Britain in our internal
 “ taxes, we must be always liable to impositions,
 “ that have nothing but the will of the imposers
 “ to direct them, in the measure, since we have

“ there no representatives to inform them of the
 “ true state of our circumstances, and of the degree
 “ of our strength to bear the burdens that are im-
 “ posed. How far, indeed, we are intitled, by the
 “ constitution of ENGLAND, or our own peculiar
 “ *charter*, to an *exemption* from every other inter-
 “ nal tax, than such as may be laid upon us by the
 “ representatives of our own people, in conjunction
 “ with the two other branches of our legislative
 “ body, *we cannot positively say* ; but this is cer-
 “ tain, that we have enjoyed that privilege, that
 “ *seeming birth-right* of every BRITON, ever since
 “ the first establishment of a civil government in
 “ this island, to the present time. And why we
 “ should at this period be condemned to the loss
 “ of so *inestimable a blessing of society*, we can
 “ see no cause ; since the present period has af-
 “ forded some instances of loyalty and affection
 “ to our king and mother country, which might
 “ rather have intitled us to new favours from the
 “ crown and nation, than have left us exposed to
 “ any deprivation of our *old and valuable rights*.
 “ Yet how far it may be prudent and necessary to
 “ press this last consideration in your *memorial*
 “ to our superiors, *must be referred to your good*
 “ *judgment* ; for as we mean to obtain a redress of
 “ our grievances by a dutiful representation only
 “ of our case, so would we have any thing avoided
 “ in the *style and substance of that representation*,

" as might give offence to those from whom only
 " our redress can come, our appeal being to the
 " very powers by whom we think ourselves op-
 " pressed; tho' we may remonstrate to them with
 " justice, *we cannot reproach them without dan-*
 " *ger*; and the most effectual means of giving
 " ourselves all the merit we hope for, and intend,
 " both with our sovereign and the parliament, will
 " be, we think, by giving our complaint on this
 " matter the *complexion of our conduct*, shewing an
 " *umble submission to authority*, even under the
 " most painful *heart-burnings* of our community,
 " at its *severe decrees*. But great as our distresses
 " are, upon account of this new taxation in its
 " general course, we are yet fortunate enough not
 " to have suffered so much greater, as by the par-
 " ticular calamity you seem to have apprehended
 " for us, on the supposed seizure of the North-
 " American traders; for the masters of those ves-
 " sels, producing certificates at our custom-house,
 " that no stamp papers were to be had at the ports
 " they came from, have been admitted to an entry
 " of their several ships and cargoes, being suppos-
 " ed only liable to the penalties inflicted by the
 " Stamp Act, and of these no notice have been
 " taken; so that our danger from the circumstances
 " you suggested to the ministers is over. But we
 " see another arising from the violent spirit raised

“ in the North-American colonies against this act,
 “ which threatens us with the same ill conse-
 “ quences ; we mean, from their avowed resent-
 “ ment at the people of this island, for having so
 “ tamely submitted to the act, which they had been
 “ pleased so resolutely to oppose. This having
 “ led them to some extraordinary attempts (as we
 “ have been informed) to prevent any vessels com-
 “ ing hither with provisions for our support, how
 “ far a combination of this kind, which has to
 “ struggle with the private interests of so many
 “ individuals, can be formed amongst them, we
 “ may at first be led to doubt; yet, on a second
 “ review of things, how far the excesses of *popular*
 “ *fury*, which has no bounds, may hurry away all
 “ those individuals, to their own, as well as our
 “ immediate prejudice, we may reasonably fear ;
 “ and we think it, at least, necessary to make men-
 “ tion of it to you, that you may take this, amongst
 “ all the other unhappy consequences we may feel
 “ from that injurious act, into your proper consi-
 “ deration.”

N. B. The words in *italics* are those animad-
 verted upon in the following address ; and are print-
 ed in that manner, to be more easily distinguished,
 and referred to by the reader.

A N
ADDRESS, &c.

GENTLEMEN,

I AM a *North-American*, and my intention is in addressing you at present, to answer so much of a late letter from you to your agent in *London*, as casts unmerited censure on my countrymen.— After this declaration, as you entertain such unfavourable sentiments of the “popular fury” on this continent, I presume you expect to be treated with all the excess of passion natural to a rude people. You are mistaken. I am of their opinion, who think it almost as infamous, to disgrace a good cause by illiberal language, as to *betray it by unmanly timidity*. Complaints may be made with dignity; insults retorted with decency; and violated rights vindicated without violence of words.

You have nothing therefore to apprehend from me, *gentlemen*, but such reflections on your con-

duct, as may tend to rouse that remorse in you, which always arises in the minds of ingenuous persons, when they find that they have wounded by their rash calumnies, the honor of those who merit their highest esteem,——their warmest praises.

I KNOW there are in the island of *Barbadoes*, many men of sense, spirit, and virtue ; and therefore I choose to consider you rather in the character of such, whose understanding, resolution, and integrity, have been drugged by some pernicious draft into a slumber, than of those, who with irretrievable depravity, want all the qualities requisite to make them serviceable to their countrymen, or just to others.

HAD I only heard, *gentlemen*, that you had called the behaviour of these colonies, a “**REBELLIOUS OPPOSITION** given to authority,” I should have thought it a vain attempt, to aim at convincing you, how unjustifiable an aspersion that expression contained ; because I should immediately have concluded, that you were so ignorant of the rights of *British* subjects, and so insensible of all concern on the invasion of those rights, that any man who should endeavour to shew you your error, would engage in as unpromising a project, as if he should think to communicate an idea of sound to the deaf, or of colour to the blind.

WHEN I read your letter, however, with an agreeable surprize I observed, that *you*, at the same time you have made the attack, have laid the foundation of a defence for my countrymen. Permit me to erect the superstructure, though I had much rather see it built by more skilful hands.

You acknowledge, the “ burthen of the taxes imposed by the Stamp Act, to be *oppressive in all its parts* ;” that you are thereby not only loaded with a charge more than is proportioned to your circumstances, but *deprived also of a privilege*, which renders the *oppression beyond measure grievous* :” that you “ see two of the most important objects, TRADE and JUSTICE, *crouching* under the load of the new duties ; and by the manner in which these duties have been imposed, find too the *most valuable of all your civil rights and liberties sinking along with them*.”

You say that if you “ are to be subject to the power of the parliament of *Great-Britain*, in your internal taxes, you must always be liable to impositions, that have nothing but the WILL OF THE IMPOSERS to direct them in the measure.” With what consistency you afterwards hesitate, and “ cannot say,” whether the privilege of taxing yourselves, exclusively belongs to you,

or talk of a "SEEMING *birth-right*," I will leave to be determined by yourselves, or the agent to whose "good judgment and discretion," you with such strange, I had almost said "humble submission," "refer" your most important affairs. However your sentiments soon veer about again, and you speak of "*an inestimable blessing of society*;" of "*old and valuable rights*;" and even hazard the hardy appellation of "*severe decrees*."

WHEN it is so evident that all these assertions are equally true with regard to yourselves, and "your fellow-subjects on the northern continent," it affords no slight cause of amazement, to see in the same letter that contains these assertions, the opposition to those confessedly destructive measures, branded as "REBELLIOUS." Wherefore this needless stroke against your "fellow-subjects?" Could not your "principle of loyalty" sink you to a satisfactory depth of humiliation, unless you flung yourselves down with such a rage of prostration, as to spatter all around you? Was not your surrender of "*the most valuable of all rights and liberties*," sufficiently completed by your declaration, that you "COULD NOT POSITIVELY SAY *you were intitled to them*," without reproaching those who have the misfortune of differing so widely from you in their sentiments, that they had rather die than make such a declaration?

To talk of your "charter," *gentlemen*, on this occasion, is but weakening the cause, by relying on false aids. Your opinion on this head seems to be borrowed from the doctrine of the unhappy *Stuarts*. They thought, or pretended to think, all the liberties of the subject were mere favours granted by charters from the crown. Of consequence, all claims of liberties not expressly mentioned in those charters, were regarded as invasions of the prerogative, which according to them, was a power vested in the prince, *they could not tell how*, for no better purpose, than to do as he pleased. But what said the nation? They asserted, that the royal charters were *declarations* but not *gifts* of liberties, made as occasions required, on those points in which they were most necessary, without enumerating the rest; and that the prerogative was a power vested in *one* for the benefit of *all*.

KINGS or parliaments could not *give* the *rights essential to happiness*, as you confess those invaded by the Stamp Act to be. We claim them from a higher source——from the King of kings, and Lord of all the earth. They are not annexed to us by parchments and seals. They are created in us by the decrees of Providence, which establish the laws of our nature. They are born with us; exist with us; and cannot be taken from us by any human power, without taking our lives. In short,

they are founded on the immutable maxims of reason and justice. It would be an insult on the divine Majesty to say, that he has given or allowed any man or body of men a *right to make me miserable*. If no man or body of men has *such a right*, I have a *right to be happy*. If there can be no happiness without freedom, I have a *right to be free*. If I cannot enjoy freedom without security of property, I have a *right to be thus secured*. If my property cannot be secure, in case others over whom I have no kind of influence, may take it from me by taxes, under pretence of the public good, and for enforcing their demands, may subject me to arbitrary, expensive, and remote jurisdictions, I have an *exclusive right* to lay taxes on my own property either by myself or those I can trust; of necessity to judge in such instances of the public good; and to be exempt from such jurisdictions.——But no man can be secure in his property, who is “liable to
 “ *impositions*, that have NOTHING BUT THE WILL
 “ OF THE IMPOSERS to direct them in the mea-
 “ sure;” and that make “*justice to crouch under*
 “ *their load*.”

Thus you prove, *gentlemen*, that the fatal act you allude to in these expressions, is destructive of our property, our freedom, our happiness: that it is inconsistent with reason and justice; and subversive of those sacred rights which God himself

from the infinity of his benevolence has bestowed upon mankind.

YET after these expressed or implied concessions, you term the opposition made by my countrymen to the execution of this——imagination cannot supply me with an epithet equal to my meaning——act, “ REBELLIOUS.”

PRAY, *gentlemen*, let me not mistake your notion of “ humble submission to authority.” Do you maintain, that because the parliament may legally make *some* laws to bind us, it therefore may legally make *any* laws to bind us? Do you assert, that where power is constitutionally vested in particular persons for certain purposes, the same obedience is due to the commands of those persons, when they exceed the limits of that power, as when they are restrained within them? Do you say, that all acts of authority are sanctified by the mere pleasure of their authors, and that “ humble submission ” is due to them, however injurious they may be to those over whom they are exercised——or that the oppressed ought to content themselves with “ giving the COMPLEXION of your CONDUCT ” to PALE petitions—and that *all other* opposition is “ rebellious?”

GREATLY I am afraid, that you have published to the world too convincing proofs, that you hold these sentiments ; sentiments, which I solemnly profess are so horrible to me, that I cannot wish the infection of them even to the bitterest enemies of my country.

HAVE you considered, *gentlemen*, the importance of the points to which your political creed may be applied ? What is your opinion of the *revolution*, that made the *British* liberty and *British* glory blaze out with their brightest lustre ? Had you lived in those days of ignorance, with what lucky assistance might you have propped up the tottering tyrant, by maxims of law to prove, *that kings can do no wrong* ; and texts of scripture to shew, *that submission is due to the powers that be* !

It is as manifest, that the great and good men who then placed the throne in the temple of liberty, disdained your sentiments, as it is, that if they had approved them, you would not at present enjoy the satisfaction of being ruled by a prince whose virtues do honour to his rank. All the happiness you possess, you owe to the force of the principle, which you now reproach ; and your professing your resolution to persist in an “ humble submission ” to acts that you expressly say, “ make your oppression beyond measure grievous,” and destroy “ the

" most valuable of your civil rights and liberties," is deserting and betraying as much as you can, that principle, on which the constitution of *Great-Britain* is established——A principle that has operated differently among these colonies, as became them, from what it did in that kingdom at the memorable period abovementioned——not in *action*, but negatively in a *refusal to act*, in a manner destructive to them.

LET me speak plainly. In such a cause to prevaricate or fear, is worse, if possible, than falshood or cowardice. Good breeding in private life, or good behaviour in public life, can never require a deviation from truth or virtue. Our obligation to these, is co existent with us, and unchangable. No other relation therefore can dissolve or diminish the primary, unalterable duty.

Do you believe, *gentlemen*, that parliaments never did, or never will do wrong? Do you profess an infallibility in politics, which you ridicule in religion? If any man should tell the present parliament, they are all-wise and all-perfect, I am persuaded, it would be esteemed a wretched insult both on their understanding and piety. Say they are the wisest and justest assembly on earth; and you say right. But human wisdom and human justice partake of human frailties. Such is the

lot of our nature—and to bestow the attributes of heaven on mortals, who to day are, and to-morrow are not, is the wildness of adulation,

SURELY, you cannot persevere in your error. If the *stamp-act*, DETESTABLE as you have described it, cannot wake you from dreams of submission, yet is there no idea of danger or distress which your fancy can represent to you, that you think would justify you in something else than petitioning?—Have you no “feelings” by which you might be tortured a little beyond “remonstrating?” *I do not know what is dreadful to you*, nor can I form the least guess what would be so : but suppose to yourselves an act of parliament commanding you to do or suffer something the most dreadful in the world—to you : something ten thousand times more dreadful—to you I mean—than “oppression beyond measure grievous ;” “crushing justice under insupportable burthens ;” or “sinking the most valuable of all civil rights and liberties.”—Whatever that *would be to you*, the stamp act *is to my countrymen*.

HERE permit me, *gentlemen*, to ask, whether *in such a case* you would “humbly submit,” tho’ it should be in your power effectually to refuse? To make your conduct consistent with the sentiments avowed in your letter, you must.—Would you?

Then, if what we are told of the ancient *Cappadocians* be true, you would exhibit the second instance since the creation of mankind, of a people *choosing* to be *slaves*. Would you refuse? What then becomes of your “principle of loyalty,” and your “obedience to the laws of your mother country?” If so, they are only fine words, with which you intend to purchase some sort of reputation with some sort of people; you are then *loyal* and *obedient*, as you call yourselves, *because you apprehend you cannot safely be otherwise*; and the pretended virtues you claim, like forced fruits, partake too strongly of the manure that gave them growth, to afford any agreeable relish. Thus you reduce yourselves to the miserable dilemma of making a choice between two of the meanest characters——of those who *would be slaves from inclination*, tho’ they pretend to love liberty——and of those who *are dutiful from fear*, tho’ they pretend to love submission.

PARDON me, *gentlemen*, if I attribute to you the virtue, which your excessive modesty disclaims. Since you were deterred from reproaching, by the cautious consideration, that you could not “*reproach WITHOUT DANGER*,” I am *almost* persuaded, that you would prefer refusal to slavery, if you were assured, that you could “*refuse WITHOUT DANGER*.”

You greatly injure me, *gentlemen*, if you imagine from what I have said, that I am not a hearty friend to my king, his illustrious family, to *Great-Britain*, or to the connection between her and these colonies. In what I am now to say, I shall speak not only my own, but the universal sentiments of my countrymen. I am devoted to my gracious sovereign, and his truly royal house, by principle and affection. They appear to me to have been called by Providence to the throne ; not to have gained it by the least share of the guilt, or even of the art, that has so often exalted the most unworthy to the most splendid stations.—They have risen with brightness upon the world, in due course, to shed blessings over mankind ; and all history cannot furnish an instance of a family, whose virtues have had a more auspicious influence on the happiness of men, particularly of their subjects. Their government does not afford only gleams of joy, but cheers with a flowing uniformity, except when some evil spirit interrupts our felicity—But these interruptions have never lasted : can never last, while princes of the line of *Brunswick* preside over us. Their amiable qualities are hereditary ; these render, if I may be allowed the expression, our happiness hereditary ; and I might therefore be justly deemed very deficient in sense or integrity, if it was not among my most ardent prayers, that the sceptre of his dominions may be held by our

present monarch and his family, till time shall be no more.

As to *Great-Britain*, I glory in my relation to her. Every drop of blood in my heart is *British*; and that heart is animated with as warm wishes for her prosperity, as her truest sons can form. As long as this globe continues moving, may she reign over its navigable part; and may she resemble the ocean she commands, which recruits without wasting, and receives without exhausting, its kindred streams in every climate. Are these the sentiments of disloyalty or disaffection? Do these sentiments point at independency? Can you believe it? Will you assert it? I detest the thought with inexpressible abhorrence, for these reasons; first, because it would be undutiful to our sovereign; secondly, because it would be unjust to our mother country; and thirdly, because it would be destructive both to her and to us.

THE *British* nation is *wise* and *generous*. They can distinguish between a disgust to government, and to the administration of it; a distinction, which bad ministers are continually striving to confound, They set up *their passions* for the interests of their king and country; and then, whoever is offended with their conduct, is convicted by a very plain deduction of ministerial logic, of being an enemy to

his king and country. No farmer dislikes the sun; but if it collects such thick clouds as too much intercept its beams, surely the poor man who sees all his hopes sickening and withering, may very innocently dislike the gloom, and wish the reviving rays may be felt again. The *British* nation aims not at empire over vassals: And must, I am convinced, be better pleased to hear their children speaking the plain language of freemen, than muttering the timid murmurs of slaves. Can you believe, *gentlemen*, that they will be better pleased with the “stile and substance of your representation,” than with the honest transports of *North-American* breasts, so exactly like what *they* feel, when they think themselves injured? If there is any people whose character it is, to submit to wrongs, basely pretending to prefer the pleasure of those who offer them, to their own welfare or honor, while cowardly hatred and malice lurk rankling and “heart-burning” in their bosoms, watching, wishing opportunities of dire revenge, it belongs not to *Britons*, or their true sons. *They* can neither dissemble injuries, nor unreasonably resent them. These are vices of little, cruel minds. Much better, much safer is it for all parties, particularly when we contend with noble spirits, manfully to speak what we think, and thereby put it in their power——such will always have it in their inclination——to give us ample satisfaction. They

Know that those who are most sensible of injuries, are most sensible of benefits. There can be no friendship between freemen and slaves; and I have the strongest hopes that our mutual affection will henceforward be more cemented than it hitherto has been——on their part, because we have *proved* ourselves worthy of their esteem; and on our part, because their generosity will excuse the manner in which we *have proved* it.

SUPPOSE all this continent had imitated your example, and had repeated your doleful, doubtful notes, from one end of it to the other: had acknowledged upon their knees, “that they *could* “*not positively say* whether they were intitled to “the exemption” they required, was there the least probability of their obtaining it? I do not object to the probability, for want of justice or of affection towards us in our mother country; but for want of proper attention, which the artifices of our enemies in support of their own darling measures, would always have prevented.

EVERY man must remember, how immediately after the tempest of the late war was laid; another storm began to gather over *North-America*. Every wind that blew across the Atlantic, brought with it additional darkness. Every act of the adminis-

tration seemed calculated to produce distress, and to excite terror. We were alarmed—we were afflicted. Many of our colonies sent home petitions; others ordered their agents to make proper applications on their behalf. What was the effect? They were rejected without reading. They could not be presented, “without breaking through *a rule of the house*.” They insisted upon a right, that, it “was *previously* determined should not be admitted.” The language of the ministry was “that *they* would teach the insolent *North-Americans*, the respect due to the laws of their mother country.” They moved for a resolution “that the parliament could legally tax us.” It was made. For a bill—It was framed. For its dispatch—It was past. The badges of our shame were prepared—too gross—too odious—even in the opinion of that administration, to be fastened upon us by any but *Americans*. Strange delusion! to imagine that treachery could reconcile us to slavery. They looked around: they found *Americans*—O Virtue! they found *Americans*, to *whom* the confidence of their country had committed the guardianship of her rights, on *whom* her bounty had bestowed all—the wreck of her fortunes could afford, ready to rivet on their native land, the nurse of their infancy, the protectrix of their youth, the honourer of their manhood, the fatal fetters which *their information* had helped to forge. *They* were to be

gratified with part of the plunder in oppressive offices for themselves and their creatures. By *these*, that *they* might reap the rewards of their corruption, were we advised—by *these*, that *they* might return *masters* who went out *servants*, were we desired—to *put on the chains*, and then with shackled hands *to drudge in the dark*, as well as we could, forgetting the *light* we had lost. “*If I forget thee, let my right hand forget her cunning—if I do not remember thee, may my tongue cleave to the roof of my mouth.*”

WHEN the intelligence of these astonishing things reached *America*,

“then flam’d her spirit high.”

WHAT could she do? send home petitions again? The first had been treated with contempt. What could be expected from a second trial?——We knew, that the humble petition of meek, pious, venerable bishops, supplicating for the laws and religion of their country, had been called a false and seditious libel by a daring administration, who were resolved to have no law but their own pleasure.——We knew, that the liberty of our fellow-subjects had been lately so boldly invaded, even in our mother country, in that spot where the dignity of the empire may be said more peculi-

arly to reside, that their oppressors were hardly stopped in their career, by the united voice of an injured and offended people. We knew, that the men who designed to oppress us, held up to those whose assistance they were obliged to use, specious pretences of immediate advantage, while every remoter mischief, every disagreeable truth was artfully concealed from them. They were persuaded, that they were to promote their own interests, the public interests, by adopting the new-invented policy proposed to them. In short we knew, in what line every thought and act relating to us, ran. All was arbitrary, rigid, threatening, dreadful, What resource had we? We wondered and wept—At last, imploring the divine protection, and appealing to the *British* goodness, we were driven by apprehension and affliction into a conduct, that might justly have rendered us to the humane, rather objects of pity, than resentment; but which you, *gentlemen*, are pleased to call a “*rebellious* opposition to authority.”

How much farther these colonies might have gone; how much farther it would have been proper for them to go, I will not pretend to say. I confine myself entirely to your state of the case, and to their behaviour in that case. My soul sickens at the scenes that obtrude themselves on my imagination, while I reflect on what might have

happened. My attention turns with unspeakable pleasure to those brighter prospects now * opening on my country, and the approaching times, when thro' the mercy of ALMIGHTY GOD, to whom be ascribed everlasting glory, the inhabitants of these colonies, animated with sentiments of the most perfect gratitude, confidence, affection, and veneration, justly heightened by the engaging clemency of our amiable sovereign, and the endearing tenderness of our excellent mother country, shall be diligently and delightfully employed in demonstrating, that they are not unworthy of the blessings bestowed upon them. *Great-Britain* has been long distinguished—she must be now perpetually celebrated, for her *moderation*. This is her peculiar praise. Other states have been as great in arms ; as learned in arts ; but none ever equalled her in moderation—a virtue, and the parent of virtues.

I AM very sorry that these colonies had any reason given them to think they were right in going so far as they lately did : yet tho' many things have been done, *that* I sincerely wish had not been done, I should be glad to know what particular part of their conduct has provoked you to issue, if I may use one of your expressions, so “ severe a “ decree” against them.

* The news of the STAMP ACT being repealed, arrived while this piece was in the press.

DID the resolutions made by their several assemblies in vindication of their rights, deserve such a censure? You grant they were founded on truth and justice. Can it be criminal to maintain these? Perhaps you think they were guilty, in forming and persisting in their universal determination not to use stamped papers, as they were commanded to do. No man can be blamed for doing any thing, which if he had not done, he must have committed a worse action. Remember the opinion you have expressed of the liberties for which these colonies were struggling. Had they accepted the stamped papers, they would not only have betrayed themselves, and you, whose prosperity they wish from a generosity of temper, of which they hope you will hereafter give them more agreeable proofs than you have yet done, but they would also have basely betrayed ages yet unborn, to a condition that would have rendered their birth a curse. You think “a memorial or memorials” would have relieved them, if they had “humbly submitted;” that is, that injuries *that* could not be prevented by a regard to justice, liberty and the happiness of millions, might be redressed by well-penned petitions. No! The right would have been surrendered by our act—a precedent would have been established by our acquiescence, for perpetual *servility*. Where would the demands of ministers, where would the miseries of *America* have stopped?

I BELIEVE your island and its neighbours have been more fortunate in "memorialising" than this continent.—Had we any reason to expect relief from the conduct proposed? Has any thing happened since, to shew that we should have succeeded by it? Let any person consider the speeches lately made in parliament, and the resolutions said to be made there, notwithstanding the convulsions occasioned through the *British empire*, by the *opposition* of these colonies to the stamp act, and he may easily judge what would have been their situation, in case they had bent down and humbly taken up the burden prepared for them. What would have been their fate, since they have opposed, if one man the victor of his country's foreign and domestic foes, had not by his wisdom and virtue, checked the rage that deception might artfully have kindled in the most honest and humane people upon earth, heaven alone can tell.

WHEN the *exclusion* bill was depending in the house of commons, col. *Titus* made this short speech—"Mr. speaker, I hear a lion roaring in the lobby. Shall we secure the door, and keep him there: or shall we let him in, to try if we can turn him out again."

CAN it be possible, *gentlemen*, that our stopping on this continent the importation of goods from

Great-Britain, has brought your resentment upon us? If it has, it is the first time that industry and frugality have met with such hard judges.

THE only thing I can think of besides, which might induce you to treat my countrymen as you have done, is the behaviour of the mobs composed of the lower ranks of people in some *few* of the colonies, to those who were favourers of the stamp act—But surely that could not produce so *general* an accusation of “your fellow-subjects on the “northern continent.” It was indeed a very improper way of acting; but may not these agonies of minds *not quite so polished as your own*, be in some measure excused? if as the absolute monarch of *Judea*, said “oppression maketh a wise man “mad;” and if as the loyal committee of correspondence in *Barbadoes* says, “the subversion of justice” and “the most valuable of all civil rights “and liberties” is “oppression beyond measure “grievous.” It is needless to dwell longer on this head; but if you choose to inquire into the circumstances of every mob that has happened here, taking for granted that the stamp-act is constitutional, I believe even you, on cool consideration, would not term any of them a rebellion.

UPON the whole, I acknowledge, that a regard to *themselves*, has influenced the inhabitants of

these colonies ; but it was not a regard void of the truest loyalty to *their* king, the warmest affection, the profoundest veneration, for *their* parent country. If my father, deceived and urged on by bad or weak men, should offer me a draught of poison, and tell me it would be of service to me, should I be undutiful, if, knowing what it is, I refuse to drink it ? or if inflamed by passion, he should aim a dagger at my heart, should I be undutiful, if I refuse to bare my breast for the blow ? Or should I act like a man in his senses, if I swallow the dose or receive the stroke, in expectation that those who prompted or provoked my father to the action, would afterwards give me a certain antidote or balsam——especially, if they would probably get a large part of my estate ? I will beg leave to trouble you, *gentlemen*, with one more comparison. If a fortune of immense value comes into my possession by being settled on me, as the lawful son of my father, which till then had been held solely by him, and my enemies should persuade my excellent parent to attempt to bastardize me, and take the whole into his hands again, I not having the least prospect of happiness without it, and he not having the least occasion for it——should I be undutiful, if after endeavouring by intreaties to prevent his proceedings, I carefully record all the proofs of my being legitimate, stop the circulation of all false vouchers

to the contrary, decline the correspondence of those who join with him, and even break the head of a man, who slanders my honour and my title, by spreading an opinion that I am basely born? With how much less reason will the charge of undutifulness be made against me, if I have regularly advanced for my father all such sums as he has from time to time required, and have assured him by my professions and behaviour, that he shall have all the profits of the estate, allowing me a comfortable maintenance, if he will suffer it to continue in my possession—and all the world knows, that by a condition annexed to this estate, I cannot part with it, without acknowledging myself to be a bastard.

To conclude——*gentlemen*——I know none of you ; not even one of your names. I mean no personal reflections in this address. I detest them. If you should take any thing I have said, so much in that way, as to feel uneasiness from it, I shall be very sorry. Neither do I intend any reflections on your country, tho' you represented *her* when you attacked *mine*. I always detested these loose aspersions, that ever give most pain to bosoms that honour and delicacy have rendered most sensible ; and this detestation has been greatly increased, since, within these few years, we have seen such loads of obloquy thrown upon a * nation, whose magnani-

* The Scots.

mity in bearing them, will be sufficient I hope, to procure them the esteem of those, who have been so much blinded by passion, as to deny it to their other numerous virtues and accomplishments. Your island is respectable. Your private characters may be amiable ; but in a public capacity, you have cast a most high and unprovoked censure on a gallant, generous, loyal people. You have propagated a set of sentiments, and have promoted a tenor of conduct, that may be hurtful to the cause of freedom. I have engaged with too unequal arms perhaps to oppose you ; but to *fail* in such a contest, will afford me some kind of pleasure. I wish you every blessing that men can enjoy ; and as a foundation and security of all the rest, I wish you a true love of liberty.

A NORTH-AMERICAN.

T H E
FARMER'S LETTERS
TO THE
INHABITANTS
OF THE
BRITISH COLONIES.

PRINTED AT PHILADELPHIA, 1767.

THE FARMER'S LETTERS in this collection, are published from the *Virginia* edition of them in 1769, the only copy the editors have been able to procure. The preface to that edition, is believed to have been written by *Richard Henry Lee*, afterwards president of congress.

IN *May*, 1768, Dr. *Franklin* had the letters reprinted in *London*, and in a preface strongly recommended them to the attention of the public. In that preface he says, " As I consider our fellow
" subjects of *America* as *reasonable creatures*, I
" cannot but be astonished, that since there ap-
" pears to be an extreme diversity of sentiment,
" between us and them, concerning the power of
" parliament to impose taxes in *America*, there
" has not been any address made to their *reason* ;
" that none of our able and learned writers has at-
" tempted to convince them that they are in the
" wrong, by clearly proving, either by the common
" law of nations, or by the terms of their funda-
" mental constitutions, that they are subject to be
" taxed by our parliament, *though they have no*
" *representatives in it.*

“ ON the contrary, as often as any news arrives
“ of the discontents in *America*, there is but one
“ cry——“ *we must send an army, or a fleet, and*
“ *reduce them to reason.*”

“ IT is said of a choleric people, that with them
“ it is but *a word and a blow*. I flatter myself,
“ that *Great-Britain* is not so choleric, and that
“ she will never go so far as to strike her colonies,
“ or if she should ever think herself obliged to go
“ so far, at least that the *word* will precede the
“ *blow*, and that she will *speak reason* to them.

“ TO do this clearly, and with the greatest ap-
“ pearance of success, in dissipating their prejudi-
“ ces and rectifying their errors, if they have any,
“ it is necessary to be informed, *what are their*
“ *prejudices and errors* ; and before being able to
“ refute them, or to admit their reason or their ar-
“ guments, it is assuredly needful to know them.

“ IT is with this view, that I propose to re-print
“ here the following letters, lately published in
“ *America*——and I hope their publication will
“ draw forth a satisfactory answer, if they can be
“ answered. In that case, I shall have accom-
“ plished my object, &c.”

IN 1769, they were translated into *French*, and published at *Paris*.

To shew how those letters were received on this continent, it may be sufficient to insert the following address, selected out of many, from newspapers published at the time.

B O S T O N, March 21, 1768.

At a meeting of the freeholders and other inhabitants of this town met at Faneuil-Hall, on Monday the 14th inst. for the choice of town officers for the ensuing year, upon a motion made, and seconded, it was voted that the THANKS of the town be given to the ingenious AUTHOR of a course of letters published at Philadelphia, and in this place, signed A FARMER; wherein the rights of the American subjects are clearly stated, and fully vindicated; and Dr. Benjamin Church, * John Hancock, Esq. † Mr. Samuel Adams, ‡ Dr. Joseph Warren, and John Rowe, Esq. were appointed a committee to prepare and publish a letter of thanks accordingly.

—*—
March 24.

At an adjournment of the meeting of the freeholders and other inhabitants of this town, the following letter was reported by the committee appointed for that purpose, viz.

To the ingenious AUTHOR of certain patriotic letters, subscribed A FARMER.

MUCH RESPECTED SIR!

WHEN the rights and liberties of the numerous and loyal inhabitants of this extensive continent are in imminent danger—when the inveterate

* John Hancock, afterwards president of congress, and governor of Massachusetts.

† Samuel Adams, afterwards member of congress, and governor of Massachusetts.

‡ Joseph Warren, afterwards general Warren, who fell gloriously fighting for the liberties of his country, in the ever memorable battle of Bunker's Hill.

enemies of these colonies are not more assiduous to forge fetters for them, than diligent to delude the people, and zealous to persuade them to an indolent acquiescence. At this alarming period; when to reluct is deemed a revolt, and to oppose such measures as are injudicious and destructive, is construed as a formal attempt to subvert order and government; when to reason is to rebel; and a ready submission to the rod of power, is solicited by the tenders of place and patronage, or urged by the menace of danger and disgrace: It is to YOU, worthy SIR! that *America* is obliged, for a most seasonable, sensible, loyal and vigorous vindication of her invaded rights and liberties: It is to YOU the distinguished honour is due; that when many of the friends of liberty were ready to fear its utter subversion; armed with truth, supported by the immutable laws of nature, the common inheritance of man, and leaning on the pillars of the *British* constitution; you seasonably brought your aid, opposed impending ruin, awakened the most indolent and inactive to a sense of danger, reanimated the hopes of those, who had before exerted themselves, in the cause of freedom, and instructed *America* in the best means to obtain redress.

NOR is this western world alone indebted to your wisdom, fortitude and patriotism; *Great-Britain* also may be confirmed by you, that to be truly

great and successful, she must be just : that to oppress *America*, is to violate her own honours, defeat her brightest prospects, and contract her spreading empire.

To such eminent worth and virtue, the inhabitants of the town of *Boston*, the capital of the province of the *Massachusetts-Bay*, in full town meeting assembled, express their earliest gratitude : actuated themselves by the same generous principles, which appear with so much lustre in your useful labours, they will not fail warmly to recommend, and industriously to promote that union among the several colonies, which is so indispensably necessary for the security of the whole.

THOUGH such superior merit must assuredly, in the closest recess, enjoy the divine satisfaction of having served, and possibly saved this people ; though veiled from our view, you modestly shun the deserved applause of millions ; permit us to intrude upon your retirement, and salute the *FARMER*, as the *friend of Americans*, and the common benefactor of mankind.

The above letter was read, and unanimously accepted by the town, and ordered to be published in the several news-papers.

Attest. WILLIAM COOPER, *Town-Clerk.*



FROM THE BOSTON GAZETTE,
TO THE PRINTERS.

GENTLEMEN,

You are desired to publish the inclosed. Yours, A FARMER.

GENTLEMEN,

IT is impossible for me to express the reverential gratitude, with which I receive the very great honour, you have been pleased to confer upon me by your late letter.

THE rank of the town of *Boston*, the wisdom of her counsels, and the spirit of her conduct, render, in my opinion, the approbation of her inhabitants, inestimable ; and therefore I shall ever place this testimony of it, among the chief blessings of my life.

LOVE of my country engaged me in that attempt, to vindicate her rights, and assert her interests, which your generosity has thought proper so highly to applaud ; and if my humble labours prove useful to the good people of these colonies—A glory ! beyond which my ambition never wished to rise—I am persuaded that this happy effect must flow from the influence and lustre bestowed upon them by your favourable notice.

NEVER, till my heart becomes insensible of all worldly things, will it become insensible of the unspeakable obligations, which as an *American* I owe to the inhabitants of the province of *Massa-*

Massachusetts-Bay, for the vigilance with which they have watched over, and the magnanimity with which they have maintained the liberties of the *British* colonies on this continent.

MAY the same sacred zeal for the common welfare, the same principles of loyalty to our excellent sovereign, of affection to his illustrious house, and of duty to our beloved parent kingdom, which have uniformly actuated and guided your colony, animate and direct every other, so that at length that union of sentiments and measures may be firmly formed, which as you, gentlemen, most justly observe, “is so indispensably necessary for the security of the whole.”

AMONGST my warmest wishes these will ever be —that the province of *Massachusetts-Bay* may rejoice in a perpetual prosperity ; that the town of *Boston* may always flourish with a dignity becoming the capital of so very respectable a state ; that the purity of her intentions, the prudence of her designs, and the vigour of her actions, may constantly confound the machinations of her enemies ; and that the virtues of her present inhabitants may be transmitted down from age to age, that so the latest posterity in these colonies, may never want faithful guardians of *American* freedom.

A FARMER.

Pennsylvania, April 11, 1768.

LETTERS

FROM A

FARMER.

LETTER I.

MY DEAR COUNTRYMEN,

I AM a *farmer*, settled, after a variety of fortunes, near the banks of the river *Delaware*, in the province of *Pennsylvania*. I received a liberal education, and have been engaged in the busy scenes of life ; but am now convinced, that a man may be as happy without bustle, as with it. My farm is small ; my servants are few, and good ; I have a little money at interest ; I wish for no more ; my employment in my own affairs is easy ; and with a contented grateful mind, undisturbed by worldly hopes or fears, relating to myself, I am completing the number of days allotted to me by Divine goodness.

BEING generally master of my time, I spend a good deal of it in a library, which I think the most valuable part of my small estate; and being acquainted with two or three gentlemen of abilities and learning, who honour me with their friendship, I have acquired, I believe, a greater knowledge in history, and the laws and constitution of my country, than is generally attained by men of my class, many of them not being so fortunate as I have been in the opportunities of getting information.

FROM my infancy I was taught by my honoured parents to love *humanity* and *liberty*. Inquiry and experience have since confirmed my reverence for the lessons then given me, by convincing me more fully of their truth and excellence. Benevolence towards mankind, excites wishes for their welfare, and such wishes endear the means of fulfilling them. *These* can be found in liberty only, and therefore her sacred cause ought to be espoused by every man, on every occasion, to the utmost of his power. As a charitable, but poor person does not withhold his *mite*, because he cannot relieve *all* the distresses of the miserable, so should not any honest man suppress his sentiments concerning freedom, however small their influence is likely to be. Perhaps he “*may touch some wheel*,”† that will have an effect greater than he could reasonably expect.

† Pope.

THESE being my sentiments, I am encouraged to offer to you, my countrymen, my thoughts on some late transactions, that appear to me to be of the utmost importance to you. Conscious of my own defects, I have waited some time, in expectation of seeing the subject treated by persons much better qualified for the task; but being therein disappointed, and apprehensive that longer delays will be injurious, I venture at length to request the attention of the public, praying, that these lines may be read with the same zeal for the happiness of *British America*, with which they were written.

WITH a good deal of surprize I have observed, that little notice has been taken of an act of parliament, as injurious in its principle to the liberties of these colonies, as the *stamp act* was: I mean the act for suspending the legislation of *New-York*.

THE assembly of that government complied with a former act of parliament, requiring certain provisions to be made for the troops in *America*, in every particular, I think, except the articles of salt, pepper, and vinegar. In my opinion they acted imprudently, considering all circumstances, in not complying so far as would have given satisfaction, as several colonies did: But my dislike of their con-

duct in that instance, has not blinded me so much, that I cannot plainly perceive, that they have been punished in a manner pernicious to *American* freedom, and justly alarming to all the colonies.

If the *British* parliament has a legal authority to issue an order, that we shall furnish a single article for the troops here, and to compel obedience to *that* order, they have the same right to issue an order for us to supply those troops with arms, clothes, and every necessary; and to compel obedience to *that* order also; in short, to lay *any burthens* they please upon us. What is this but *taxing* us at a *certain sum*, and leaving to us only the *manner* of raising it? How is this mode more tolerable than the *stamp act*?—Would that act have appeared more pleasing to *Americans*, if being ordered thereby to raise the sum total of the taxes, the mighty privilege had been left to them, of saying how much should be paid for an instrument of writing on paper, and how much for another on parchment?

An act of parliament, commanding us to do a certain thing, if it has any validity, is a *tax* upon us for the expence that accrues in complying with it; and for this reason, I believe, every colony on the continent, that chose to give a mark of their respect for *Great Britain*, in complying with the act relating to the troops, cautiously avoided the men-

tion of that act, lest their conduct should be attributed to its supposed obligation.

THE matter being thus stated, the assembly of *New-York* either had, or had not, a right to refuse submission to that act. If they had, and I imagine no *American* will say they had not, then the parliament had *no right* to compel them to execute it. If they had not *this right*, they had *no right* to punish them for not executing it; and therefore *no right* to suspend their legislation, which is a punishment. In fact, if the people of *New-York*, cannot be legally taxed but by their own representatives, they cannot be legally deprived of the privilege of legislation, only for insisting on that exclusive privilege of taxation. If they may be legally deprived in such a case, of the privilege of legislation, why may they not, with equal reason, be deprived of every other privilege? Or why may not every colony be treated in the same manner, when any of them shall dare to deny their assent to any impositions, that shall be directed? Or what signifies the repeal of the *stamp act*, if these colonies are to lose their *other* privileges, by not tamely surrendering *that* of taxation?

THERE is one consideration arising from this suspension, which is not generally attended to, but shews its importance very clearly. It was not *ne-*

cessary that this suspension should be caused by an act of parliament. The crown might have restrained the governor of *New-York*, even from calling the assembly together, by its prerogative in the royal governments. This step, I suppose, would have been taken, if the conduct of the assembly of *New-York* had been regarded as an act of disobedience to the crown alone; but it is regarded as an act of † “disobedience to the authority of the *British* legislature.” This gives the suspension a consequence vastly more affecting. It is a parliamentary assertion of the supreme authority of the *British* legislature over these colonies, in the point of taxation, and is intended to COMPEL *New-York* into a submission to that authority. It seems therefore to me as much a violation of the liberties of the people of that province, and consequently of all these colonies, as if the parliament had sent a number of regiments to be quartered upon them till they should comply. For it is evident, that the suspension is meant as a *compulsion*; and the method of compelling is totally indifferent. It is indeed probable, that the sight of red coats, and the sound of drums, would have been most alarming; because people are generally more influenced by their eyes and ears, than by their reason. But whoever seriously considers the matter, must per-

† See the act of suspension.

ceive, that a dreadful stroke is aimed at the liberty of these colonies. I say of these colonies; for the cause of *one* is the cause of *all*. If the parliament may lawfully deprive *New-York* of any of *her* rights, it may deprive any, or all the other colonies of *their* rights; and nothing can possibly so much encourage such attempts, as a mutual inattention to the interests of each other. *To divide, and thus to destroy*, is the first political maxim in attacking those, who are powerful by their union. He certainly is not a wise man, who folds his arms, and reposes himself at home, viewing, with unconcern, the flames that have invaded his neighbour's house, without using any endeavours to extinguish them. When Mr. *Hampden's* ship-money cause, for *three skillings and four pence*, was tried, all the people of *England*, with anxious expectation, interested themselves in the important decision; and when the slightest point, touching the freedom of *one* colony is agitated, I earnestly wish, that *all the rest* may, with equal ardour, support their sister. Very much may be said on this subject; but I hope, more at present is unnecessary.

WITH concern I have observed, that two assemblies of this province have sat and adjourned, without taking any notice of this act. It may perhaps be asked, what would have been proper for them to do? I am by no means fond of inflammatory

measures ; I detest them. I should be sorry that any thing should be done, which might justly displease our sovereign, or our mother country : but a firm, modest exertion of a free spirit, should never be wanting on public occasions. It appears to me, that it would have been sufficient for the assembly, to have ordered our agents to represent to the king's ministers, their sense of the suspending act, and to pray for its repeal. Thus we should have borne our testimony against it ; and might therefore reasonably expect that, on a like occasion, we might receive the same assistance from the other colonies.

Concordia res parvæ crescunt.

Small things grow great by concord

A FARMER.

† *November 5. 1767.*

† The day of King WILLIAM the Third's landing.

L E T T E R II.

MY DEAR COUNTRYMEN,

THERE is another late act of parliament, which appears to me to be unconstitutional, and as destructive to the liberty of these colonies, as that mentioned in my last letter; that is, the act for granting the duties on paper, glass, &c.

THE parliament unquestionably possesses a legal authority to *regulate* the trade of *Great-Britain*, and all her colonies. Such an authority is essential to the relation between a mother country and her colonies; and necessary for the common good of all. He, who considers these provinces as states distinct from the *British empire*, has very slender notions of *justice*, or of their *interests*. We are but parts of a *whole*; and therefore there must exist a power somewhere to preside, and preserve the connection in due order. This power is lodged in the parliament; and we are as much dependent on *Great-Britain*, as a perfectly free people can be on another.

I HAVE looked over *every statute* relating to these colonies, from their first settlement to this time; and I find every one of them founded on this

principle, till the *stamp-act* administration.* *All before*, are calculated to regulate trade, and preserve or promote a mutually beneficial intercourse between the several constituent parts of the empire ; and though many of them imposed duties on trade, yet those duties were always imposed *with design* to restrain the commerce of one part, that was injurious to another, and thus to promote the general welfare. The raising a revenue thereby was never intended. Thus the king, by his judges in his courts of justice, imposes fines, which all together

* For the satisfaction of the reader, recitals from the former acts of parliament relating to these colonies are added. By comparing these with the modern acts, he will perceive their great difference in *expression* and *intention*.

The 12th *Charles*, chap. 18, which forms the foundation of the laws relating to *our trade*, by enacting that certain productions of the colonies should be carried to *England* only, and that no goods shall be imported from the plantations but in ships belonging to *England, Ireland, Wales, Berwick*, or the plantations, &c. begins thus : “ *For the increase of shipping, and encouragement of the navigation of this nation, wherein, under the good providence and protection of GOD, the wealth, safety and strength of this kingdom is so much concerned,*” &c.

The 15th *Charles* II. chap. 7. enforcing the same regulation, assigns these reasons for it. “ *In regard his majesty’s plantations, beyond the seas, are inhabited and peopled by his subjects of this his kingdom of England ; for the maintaining a greater correspondence and kindness between them, and keeping them in a firmer dependence upon it, and rendering them yet more beneficial and advantageous unto it, in the further employment and increase of English shipping and seamen, vent of English woollen, and other manufactures and commodities, rendering the navigation to and from the same more safe and cheap, and making this kingdom a staple, not only of the commodities of those plantations, but*

amount to a very considerable sum, and contribute to the support of government : but this is merely a consequence arising from restrictions, that only meant to keep peace, and prevent confusion ; and surely a man would argue very loosely, who should

“ also of the commodities of other countries and places *for the supplying of them ;*
 “ and it being the *usage* of other nations to keep their plantation trade to
 “ themselves,” &c.

The 25th *Charles II.* chap. 7, made expressly “ *for the better securing the plantation trade,*” which imposes duties on certain commodities exported from one colony to another, mentions this cause for imposing them : “ Whereas by one act, passed in the 12th year of your majesty’s reign, intituled, *An act for encouragement of shipping and navigation,* and by several other laws, passed since that time, it is permitted to ship, &c. sugars, tobacco, &c. of the growth, &c. of any of your majesty’s plantations in *America,* &c. from the places of their growth, &c. to any other of your majesty’s plantations in those parts, &c. and that *without paying custom for the same,* either at the lading or unlading the said commodities, by means whereof the trade and navigation in those commodities, from one plantation to another, is greatly increased, and the inhabitants of divers of those colonies, *not contenting themselves with being supplied with those commodities for their own use, free from all customs* (while the subjects of this your kingdom of *England* have paid great customs and impositions for what of them have been spent here) *but contrary to the express letter of the aforesaid laws,* have brought into divers parts of *Europe* great quantities thereof, and do also vend great quantities thereof to the shipping of other nations, who bring them into divers parts of *Europe,* to the great hurt and diminution of your majesty’s customs, and of the trade and navigation of this your kingdom ; *for the prevention thereof,* &c.

The 7th and 8th *William III.* Chap. 22, intituled, “ An act for preventing frauds, and regulating abuses in the plantation trade,” recites that, “ notwithstanding divers acts, &c. great abuses are daily committed, *to the prejudice of the English navigation, and the loss of a great part of the plantation trade* to this

conclude from hence, that the king has a right to levy money in general upon his subjects. Never did the *British* parliament, till the period above mentioned, think of imposing duties in *America*, for the purpose of raising a revenue. Mr. Grenville

kingdom, by the artifice and cunning of ill disposed persons; for remedy whereof, &c. And whereas in some of his majesty's *American* plantations, a doubt or misconstruction has arisen upon the before mentioned act, made in the 25th year of the reign of King *Charles* II. whereby certain duties are laid upon the commodities therein enumerated (which by law may be transported from one plantation to another, for the supply of each others wants) as if the same were, by the payment of those duties in one plantation, discharged from giving the securities intended by the aforesaid acts, made in the 12th, 22d and 23d years of the reign of king *Charles* II. and consequently be at liberty to go to any foreign market in *Europe*," &c.

The 6th *Anne*, chap. 37, reciting the advancement of trade, and encouragement of ships of war, &c. grants to the captors the property of all prizes carried into *America*, subject to such customs and duties, as if the same had been first imported into any part of *Great-Britain*, and from thence exported, &c.

This was a gift to persons acting under commissions from the crown, and therefore it was reasonable that the terms prescribed in that gift, should be complied with—more especially as the payment of such duties was intended to give a preference to the productions of *British* colonies, over those of other colonies. However, being found inconvenient to the colonies, about four years afterwards, this act was, for that reason, so far repealed, that by another act "all prize goods, imported into any part of *Great-Britain*, from any of the plantations, were made liable to such duties only in *Great-Britain*, as in case they had been of the growth and produce of the plantations."

The 6th *George* II. chap. 13, which imposes duties on foreign rum, sugar and molasses, imported into the colonies, shews the reasons thus—"Whereas the welfare and prosperity of your majesty's sugar colonies in *America*, are of the greatest consequence and importance to the trade, navigation and strength

first introduced this language, in the preamble to the 4th of *George III.* chap. 15, which has these words, “ And whereas it is just and necessary, that a *revenue be raised in your majesty’s said dominions in America, for defraying the expences of defending, protecting, and securing the same*: we your majesty’s most dutiful and loyal subjects, *the commons of Great-Britain*, in parliament assembled, being desirous to make some provision in this present session of parliament, *towards raising the said revenue in America*, have resolved to *give and grant* unto your majesty the several rates and duties herein after mentioned,” &c.

A FEW months after came the *stamp act*, which reciting this, proceeds in the same strange mode of expression, thus— “And whereas it is just and necessary, that provision be made *for raising a further revenue within your majesty’s dominions in*

of this kingdom; and whereas the planters of the said sugar colonies, have of late years fallen into such great discouragements that they are unable to improve or carry on the sugar trade, upon an equal footing with the foreign sugar colonies, without some advantage and relief be given to them from Great-Britain; for remedy whereof, and for the good and welfare of your majesty’s subjects,” &c.

The 29th *George II.* chap. 26, and the 1st *George III.* chap. 9, which continue the 6th *George II.* chap. 13, declare, that the said act hath, by experience, been found useful and beneficial, &c. These are all the most considerable statutes relating to the commerce of the colonies; and it is thought to be utterly unnecessary to add any observations to these extracts, to prove that they were all intended solely as regulations of trade.

America, *towards defraying the said expences*, we your majesty's most dutiful and loyal subjects, the *commons of Great-Britain, &c. give and grant,*" &c. as before.

THE last act, granting duties upon paper, &c. carefully pursues these modern precedents. The preamble is, "Whereas it is expedient *that a revenue should be raised in your majesty's dominions in America, for making a more certain and adequate provision for defraying the charge of the administration of justice, and the support of civil government in such provinces, where it shall be found necessary; and towards the further defraying the expences of defending, protecting and securing the said dominions*, we your majesty's most dutiful and loyal subjects, the *commons of Great-Britain, &c. give and grant, &c.*" as before.

HERE we may observe an authority *expressly* claimed and exerted to impose duties on these colonies; not for the regulation of trade; not for the preservation or promotion of a mutually beneficial intercourse between the several constituent parts of the empire, heretofore the *sole objects* of parliamentary institutions; *but for the single purpose of levying money upon us.*

THIS I call an innovation* ; and a most dangerous innovation. It may perhaps be objected, that *Great-Britain* has a right to lay what duties she pleases upon her exports†, and it makes no difference to us, whether they are paid here or there.

To this I answer. These colonies require many things for their use, which the laws of *Great-Britain* prohibit them from getting any where but from her. Such are paper and glass.

THAT we may legally be bound to pay any *general* duties on these commodities, relative to the regulation of trade, is granted ; but we being *obliged by her laws* to take them from *Great-Britain*, any *special* duties imposed on their exportation to us

* " It is worthy of observation, how quietly subsidies, granted in forms *usual* and *accustomable* (though heavy) are borne ; such a power hath use and custom. On the other side, what discontentments and disturbances subsidies *framed in a new mould* do raise (*such an inbred hatred novelty doth hatch*) is evident by examples of former times."

Lord Coke's 2d Institute, p. 33.

† Some people think that *Great-Britain* has the same right to impose duties on the exports to these colonies, as on the exports to *Spain* and *Portugal*, &c. Such persons attend so much to the idea of exportation, that they entirely drop that of the connection between the mother country and her colonies. If *Great-Britain* had always claimed, and exercised an authority to compel *Spain* and *Portugal* to import manufactures from her only, the cases would be parallel : but as she never pretended to such a right, they are at liberty to get them where they please ; and if they choose to take them from her, rather than from other nations, they voluntarily consent to pay the duties imposed on them.

only, with intention to raise a revenue from us only, are as much taxes upon us, as those imposed by the stamp act.

WHAT is the difference in *substance* and *right*, whether the same sum is raised upon us by the rates mentioned in the *stamp act*, on the *use* of paper, or by these duties, on the *importation* of it. It is only the edition of a former book, shifting a sentence from the *end* to the *beginning*.

SUPPOSE the duties were made payable in *Great-Britain*?

It signifies nothing to us, whether they are to be paid here or there. Had the *stamp act* directed, that all the paper should be landed at *Florida*, and the duties paid there, before it was brought to the *British* colonies, would the act have raised less money upon us, or have been less destructive of our rights? By no means: for as we were under a necessity of using the paper, we should have been under the necessity of paying the duties. Thus, in the present case, a like *necessity* will subject us, if this act continues in force, to the payment of the duties now imposed.

WHY was the *stamp act* then so pernicious to freedom? It did not enact, that every man in the

colonies *should* buy a certain quantity of paper—No : it only directed, that no instrument of writing should be valid in law, if not made on stamped paper, &c.

THE makers of that act expected that the confusions that would arise from the disuse of writings, would *compel* the colonies to use the stamped paper, and therefore to pay the taxes imposed. For this reason the *stamp act* was said to be a law *that would execute itself*. For the very same reason, the last act of parliament, if it is granted to have any force here, *will execute itself*, and will be attended with the very same consequences to *American* liberty.

SOME persons perhaps may say, that this act lays us under no necessity to pay the duties imposed, because we may ourselves manufacture the articles on which they are laid ; whereas by the *stamp act* no instrument of writing could be good, unless made on *British* paper, and that too stamped.

SUCH an objection amounts to no more than this, that the injury resulting to these colonies, from the total disuse of *British* paper and glass, will not be *so afflicting* as that which would have resulted from the total disuse of writing among them ; for by that means, even the *stamp act* might have been

cluded. Why then was it universally detested by them as slavery itself? Because it presented to these devoted provinces nothing but a choice* of calamities, imbibtered by indignities, each of which it was unworthy of freemen to bear. But is no injury a violation of right, but the *greatest* injury? If the eluding the payment of the taxes imposed by the *stamp act*, would have subjected us to a more dreadful inconvenience, than the eluding the payment of those imposed by the late act; does it therefore follow, that the last is *no violation* of our rights, though it is calculated for the same purpose the other was, that is, *to raise money upon us, without our consent?*

THIS would be making *right* to consist, not in an exemption from *injury*, but from a certain *degree of injury*.

BUT the objectors may further say, that we shall suffer no injury at all by the disuse of *British* paper and glass. We might not, if we could make as much as we want. But can any man, acquainted with *America*, believe this possible? I am told there are but two or three *glass-houses* on this continent, and but very few *paper-mills*; and suppose

* Either the *disuse* of writing, or the payment of *taxes* imposed by others without our consent.

more should be erected, a long course of years must elapse, before they can be brought to perfection. This continent is a country of planters, farmers, and fishermen; not of manufacturers. The difficulty of establishing particular manufactures in such a country, is almost insuperable. For one manufacture is connected with others in such a manner, that it may be said to be impossible to establish one or two, without establishing several others. The experience of many nations may convince us of this truth.

INEXPRESSIBLE therefore must be our distresses in evading the late acts, by the disuse of *British* paper and glass. Nor will this be the extent of our misfortune, if we admit the legality of that act.

GREAT-BRITAIN has prohibited the manufacturing *iron* and *steel* in these colonies, without any objection being made to her *right* of doing it. The *like* right she must have to prohibit any other manufacture among us. Thus she is possessed of an undisputed *precedent* on that point. This authority, she will say, is founded on the *original intention* of settling these colonies; that is, that she should manufacture for them, and that they should supply her with materials. The *equity* of this policy, she will also say, has been universally ac-

knowledge by the colonies, who never have made the least objection to statutes for that purpose ; and will further appear by the *mutual benefits* flowing from this usage, ever since the settlement of these colonies.

OUR great advocate, Mr. *Pitt*, in his speeches on the debate concerning the repeal of the *stamp-act*, acknowledged, that *Great-Britain* could restrain our manufactures. His words are these——
 “ This kingdom, as the supreme governing and legislative power, has *always* bound the colonies by her regulations and *restrictions* in trade, in navigation, in *manufactures*——in every thing *except that of taking their money out of their pockets, without their consent.*” Again he says, “ We may bind their trade, *confine their manufactures*, and exercise every power whatever, *except that of taking their money out of their pockets, without their consent.*”

HERE then, my dear countrymen, *rouse yourselves*, and behold the ruin hanging over your heads. If you ONCE admit that *Great-Britain* may lay duties upon her exportations to us, *for the purpose of levying money on us only*, she then will have nothing to do, but to lay those duties on the articles which she prohibits us to manufacture——and the tragedy of *American liberty* is finished.

We have been prohibited from procuring manufactures, in all cases, any where but from *Great-Britain* (excepting linens, which we are permitted to import directly from *Ireland*.) We have been prohibited, in some cases, from manufacturing for ourselves; and may be prohibited in others. We are therefore exactly in the situation of a city besieged, which is surrounded by the works of the besiegers in every part *but one*. If *that* is closed up, no step can be taken, *but to surrender at discretion*. If *Great-Britain* can order us to come to her for necessities we want, and can order us to pay what taxes she pleases before we take them away, or when we land them here, we are as abject slaves as those in wooden shoes, and with uncombed hair.

PERHAPS the nature of the *necessities* of dependent states, caused by the policy of a governing one, for her own benefit, may be elucidated by a fact mentioned in history. When the *Carthaginians* were possessed of the island of *Sardinia*, they made a decree, that the *Sardinians* should not raise *corn*, nor get it any other way than from the *Carthaginians*. Then, by imposing any duties they would upon it, they drained from the miserable *Sardinians* any sums they pleased; and whenever that oppressed people made the least movement to assert their liberty, their tyrants starved them to death or sub-

mission. This may be called the most perfect kind of political necessity.

From what has been said, I think this uncontrollable conclusion may be deduced, that when a ruling state obliges a dependent state to take certain commodities from her alone, it is implied in the nature of that obligation ; is essentially requisite to give it the least degree of justice ; and is inseparably united with it, in order to preserve any share of freedom to the dependent state ; *that those commodities should never be loaded with duties, for the sole purpose of levying money on the dependent state.*

Upon the whole, the single question is, whether the parliament can legally impose duties to be paid *by the people of these colonies only, for the sole purpose of raising a revenue, on commodities which she obliges us to take from her alone, or, in other words, whether the parliament can legally take money out of our pockets, without our consent. If they can, our boasted liberty is but*

Vox et præterea nihil.

A sound and nothing else.

A. FARMER.

L E T T E R III.

MY DEAR COUNTRYMEN,

I REJOICE to find that my two former letters to you, have been generally received with so much favour by such of you, whose sentiments I have had an opportunity of knowing. Could you look into my heart, you would instantly perceive a zealous attachment to your interests, and a lively resentment of every insult and injury offered to you, to be the motives that have engaged me to address you.

I AM no further concerned in any thing affecting *America*, than any one of you ; and when liberty leaves it, I can quit it much more conveniently than most of you : but while Divine Providence that gave me existence in a land of freedom, permits my head to think, my lips to speak, and my hand to move, I shall so highly and gratefully value the blessing received, as to take care, that my silence and inactivity shall not give my implied assent to any act, degrading my brethren and myself from the birthright, wherewith heaven itself "*batb made us free.*"*

* GAL. V. 1.

SORRY I am to learn, that there are some few persons, who shake their heads with solemn motion, and pretend to wonder, what can be the meaning of these letters. “*Great-Britain*,” they say, “is too powerful to contend with; she is determined to oppress us; it is in vain to speak of right on one side, when there is power on the other; when we are strong enough to resist, we shall attempt it; but now we are not strong enough, and therefore we had better be quiet; it signifies nothing to convince us that our rights are invaded, when we cannot defend them; and if we should get into riots and tumults about the late act, it will only draw down heavier displeasure upon us.”

WHAT can such men design? What do their grave observations amount to, but this—that these colonies, totally regardless of their liberties, should commit them, with humble resignation, to *chance*, *time*, and the tender mercies of *ministers*.

ARE these men ignorant, that usurpations, which might have been successfully opposed at first, acquire strength by continuance, and thus become irresistible? Do they condemn the conduct of these colonies, concerning the *stamp-act*? Or have they forgotten its successful issue? Ought the colonies at that time, instead of acting as they did, to

have trusted for relief, to the fortuitous events of futurity? If it is needless "to speak of rights" now, it was as needless then. If the behaviour of the colonies was prudent and glorious then, and successful too; it will be equally prudent and glorious to act in the same manner now, if our rights are equally invaded, and may be as successful.—Therefore it becomes necessary to inquire, whether "our rights *are* invaded." To talk of "defending" them, as if they could be no otherwise "defended" than by arms, is as much out of the way, as if a man, having a choice of several roads to reach his journey's end, should prefer the worst, for other no reason, but because it *is* the worst.

As to "riots and tumults," the gentlemen who are so apprehensive of them, are much mistaken, if they think, that grievances cannot be redressed without such assistance.

I WILL now tell the gentlemen, what is "the meaning of these letters." The meaning of them is, to convince the people of these colonies, that they are at this moment exposed to the most imminent dangers; and to persuade them immediately, vigorously, and unanimously, to exert themselves, in the most firm, but most peaceable manner, for obtaining relief.

THE cause of *liberty* is a cause of too much dignity, to be sullied by turbulence and tumult. It ought to be maintained in a manner suitable to her nature. Those who engage in it, should breathe a sedate, yet fervent spirit, animating them to actions of prudence, justice, modesty, bravery, humanity and magnanimity.

To such a wonderful degree were the ancient *Spartans*, as brave and free a people as ever existed, inspired by this happy temperature of soul, that rejecting even in their battles the use of trumpets, and other instruments for exciting heat and rage, they marched up to scenes of havock and horror,* with the sound of flutes, to the tunes of which their steps kept pace——“ exhibiting,” as *Plutarch* says, “ at once a terrible and delightful sight, and “ proceeding with a deliberate valour, full of hope “ and good assurance, as if some Divinity had sensibly assisted them.”

I HOPE, my dear countrymen, that you will, in every colony, be upon your guard against those, who may at any time endeavour to stir you up, under pretences of patriotism, to any measures disrespectful to our sovereign and our mother country. Hot, rash, disorderly proceedings, injure the

* *Plutarch* in the life of *Lycurgus*. Archbishop *Potter's* *Archæologia Græca*.

reputation of a people, as to wisdom, valour, and virtue, without procuring them the least benefit. I pray God, that he may be pleased to inspire you and your posterity, to the latest ages, with a spirit of which I have an idea, that I find a difficulty to express. To express it in the best manner I can, I mean a spirit, that shall so guide you, that it will be impossible to determine whether an *American's* character is most distinguishable, for his loyalty to his sovereign, his duty to his mother country, his love of freedom, or his affection for his native soil.

EVERY government at some time or other falls into wrong measures. This may proceed from mistake or passion. But every such measure does not dissolve the obligation between the governors and the governed.—The mistake may be corrected; the passion may subside. It is the duty of the governed to endeavour to rectify the mistake, and to appease the passion. They have not at first any other right, than to represent their grievances, and to pray for redress, unless an emergence is so pressing, as not to allow time for receiving an answer to their applications, which rarely happens. If their applications are disregarded, then that kind of *opposition* becomes justifiable, which can be made without breaking the laws, or disturbing the public peace. This consists in the *prevention of the op-*

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pressors reaping advantage from their oppressions, and not in their punishment. For experience may teach them, what reason did not; and harsh methods cannot be proper, till milder ones have failed.

If at length it becomes *undoubted*, that an inveterate resolution is formed to annihilate the liberties of the governed, the *English* history affords frequent examples of resistance by force. What particular circumstances will in any future case justify such resistance, can never be ascertained, till they happen. Perhaps it may be allowable to say generally, that it never can be justifiable, until the people are *fully convinced*, that any further submission will be destructive to their happiness.

WHEN the appeal is made to the sword, highly probable is it, that the punishment will exceed the offence; and the calamities attending on war outweigh those preceding it. These considerations of justice and prudence, will always have great influence with good and wise men.

To these reflections on this subject, it remains to be added, and ought for ever to be remembered, that resistance, in the case of colonies against their mother country, is extremely different from the resistance of a people against their prince. A nation may change their king, or race of kings, and retain-

ing their ancient form of government, be gainers by changing. Thus *Great-Britain*, under the illustrious house of *Brunswick*, a house that seems to flourish for the happiness of mankind, has found a felicity, unknown in the reigns of the *Stuarts*. But if once *we* are separated from our mother country, what new form of government shall we adopt, or where shall we find another *Britain*, to supply our loss? Torn from the body, to which we are united by religion, liberty, laws, affections, relation, language and commerce, we must bleed at every vein.

IN truth—the prosperity of these provinces is founded in their dependence on *Great-Britain*; and when she returns to her “ old good humour, “ and her old good nature,” as lord *Clarendon* expresses it, I hope they will always think it their duty and interest, as it most certainly will be, to promote her welfare by all the means in their power.

WE cannot act with too much caution in our disputes. Anger produces anger; and differences, that might be accommodated by kind and respectful behaviour, may, by imprudence, be enlarged to an incurable rage. In quarrels between countries, as well as in those between individuals, when they have risen to a certain height, the first cause of

dissension is no longer remembered, the minds of the parties being wholly engaged in recollecting and resenting the mutual expressions of their dislike. When feuds have reached that fatal point, all considerations of reason and equity vanish ; and a blind fury governs, or rather confounds all things. A people no longer regards their interest, but the gratification of their wrath. The sway of the *Cleons* * and *Clodius*'s, the designing and detestable flatterers of the *prevailing passion* becomes confirmed. Wise and good men in vain oppose the storm, and *may think themselves fortunate*, if, in attempting to preserve their ungrateful fellow citizens, they do not ruin themselves. Their *prudence* will be called *baseness* ; their *moderation* will be called *guilt* ; and if their virtue does not lead them to destruction, as that of many other great and excellent persons has done, they may survive to receive from their expiring country the mournful glory of her acknowledgment, that their counsels, if regarded would have saved her.

THE constitutional modes of obtaining relief, are those which I wish to see pursued on the present occasion ; that is, by petitions of our assemblies, or where they are not permitted to meet, of the people, to the powers that can afford us relief.

* *Cleon* was a popular firebrand of *Athens*, and *Clodius* of *Rome* ; each of whom plunged his country into the deepest calamities.

WE have an excellent prince, in whose good dispositions towards us we may confide. We have a generous, sensible and humane nation, to whom we may apply. They may be deceived, they may, by artful men, be provoked to anger against us. I cannot believe they will be cruel or unjust; or that their anger will be implacable. Let us behave like dutiful children, who have received unmerited blows from a beloved parent. Let us complain to our parent; but let our complaints speak at the same time the language of affliction and veneration.

IF, however, it shall happen, by an unfortunate course of affairs, that our applications to his majesty and the parliament for redress, prove ineffectual, let us *then* take *another step*, by withholding from *Great-Britain* all the advantages she has been used to receive from us. *Then* let us try, if our ingenuity, industry, and frugality, will not give weight to our remonstrances. Let us all be united with one spirit, in one cause. Let us invent——let us work——let us save——let us, continually, keep up our claim, and incessantly repeat our complaints—But, above all, let us implore the protection of that infinitely good and gracious Being, “by whom kings reign, and princes decree justice*.”

Nil desperandum.

Nothing is to be despaired of.

A FARMER.

* Prov. viii. 15.

L E T T E R IV.

MY DEAR COUNTRYMEN,

AN objection, I hear, has been made against my second letter, which I would willingly clear up before I proceed. "There is," say these objectors, "a material difference between the *stamp-act* and the *late act* for laying a duty on paper, &c. that justifies the conduct of those who opposed the former, and yet are willing to submit to the latter. The duties imposed by the *stamp-act* were *internal* taxes ; but the present are *external*, and therefore the parliament may have a right to impose them."

To this I answer, with a total denial of the power of parliament to lay upon these colonies any "*tax*" whatever,

THIS point, being so important to this, and to succeeding generations, I wish to be clearly understood.

To the word "*tax*," I annex that meaning which the constitution and history of *England* require to be annexed to it ; that is—that it is *an imposition on the subject, for the sole purpose of levying money*.

· In the early ages of our monarchy, certain services were rendered to the crown *for the general good*. These were personal:* but, in process of time, such institutions being found inconvenient, *gifts* and *grants* of their own property were made by the people, under the several names of aids, tallages, tasks, taxes and subsidies, &c. These were made, as may be collected even from the names, *for public service* upon “need and necessity†.” All these sums were levied upon the people by virtue of their voluntary gift‡. Their design was to support the *national honour and interest*. Some of those grants comprehended duties arising from

* It is very worthy of remark, how watchful our wise ancestors were, lest their *services* should be increased beyond what the law allowed. No man was bound to go out of the realm to serve the king. Therefore, even in the conquering reign of *Henry the fifth*, when the martial spirit of the nation was highly inflamed by the heroic courage of their prince, and by his great success, they still carefully guarded against the establishment of illegal services. “When this point (says lord chief justice *Coke*) concerning maintenance of wars out of *England*, came in question, the *commons* did make their continual claim of their *ancient freedom and birthright*, as in the first of *Henry the fifth*, and in the seventh of *Henry the fifth*, &c. the *commons* made a PROTEST, that they were not bound to the maintenance of war in *Scotland, Ireland, Calice, France, Normandy*, or other *foreign* parts, and caused their PROTESTS to be entered into the parliament rolls, where they yet remain; which, in effect, agreeth with that which, upon like occasion, was made in the parliament of 25th *Edward I.*” 2d Inst. p. 528.

† 4th Inst. p. 28.

‡ *Reges Angliz, nihil tale, nisi convocatis primis ordinibus, et assentiente populo suscipiant.* Phil. Comines. 2d Inst.

trade; being imposts on merchandizes. These lord chief justice *Coke* classes under "subsidies," and "parliamentary aids." They are also called "customs." But whatever the *name* was, they were always considered as *gifts of the people to the crown, to be employed for public uses.*

COMMERCE was at a low ebb, and surprising instances might be produced how little it was attended to for a succession of ages. The terms that

These gifts entirely depending on the pleasure of the donors, were proportioned to the abilities of the several ranks of people who gave, and were regulated by *their* opinion of the public necessities. Thus *Edward I.* had in his 11th year a *thirtieth* from the *laity*, a *twentieth* from the *clergy*; in his 22d year a *tenth* from the *laity*, a *sixth* from *London*, and other corporate towns, *half of their benefices* from the *clergy*; in his 23d year an *eleventh* from the *barons* and others, a *tenth* from the *clergy*, a *seventh* from the *burgesses*, &c. *Hume's Hist. of England.*

The same difference in the grants of the several ranks is observable in other reigns.

In the famous statute *de tallagio non concedendo*, the king enumerates the several *classes*, without whose consent, he and his heirs never should set or levy any tax—"nullum tallagium, vel auxilium per nos, vel heredes nostros in regno nostro ponatur seu levetur, sine voluntate et assensu archiepiscoporum, episcoporum, comitum, baronum, militum, burgensium, et aliorum liberorum com. de regno nostro." 34th *Edward I.*

Lord chief justice *Coke*, in his comment on these words, says—"for the quieting of the *commons*, and for a *perpetual and constant law for ever after*, both in this and other like cases, this act was made." These words are *plain*, without any scruple, absolute, without any saving." 2d *Coke's Inst.* p. 532. 533. Little did the venerable judge imagine, that "other like cases," would happen, in which the spirit of this law would be despised by *Englishmen*, the posterity of those who made it.

have been mentioned, and, among the rest, that of "tax," had obtained a national, parliamentary meaning, drawn from the principles of the constitution, long before any *Englishman* thought of *imposition of duties, for the regulation of trade.*

WHENEVER we speak of "taxes" among *Englishmen*, let us therefore speak of them with reference to the *principles* on which, and the *intentions* with which they have been established. This will give certainty to our expression, and safety to our conduct: but if, when we have in view the liberty of these colonies, we proceed in any other course, we pursue a *Juno** indeed, but shall only catch a cloud.

IN the national, parliamentary sense insisted on, the word "tax†" was certainly understood by the congress at *New-York*, whose resolves may be said to form the *American* "bill of rights."

The third, fourth, fifth, and sixth resolves are thus expressed.

* The Goddess of *empire*, in the heathen mythology; according to an ancient fable, *Jxion* pursued her, but she escaped in a cloud.

† In this sense *Montesquieu* uses the word "tax," in his 13th book of *spirit of laws*.

III. " THAT it is *inseparably essential to the*
" *freedom of a people* and the *undoubted right of*
" *Englishmen*, that NO TAX[‡] be imposed on them,
" *but with their own consent*, given personally, or
" by their representatives."

IV. " THAT the people of the colonies are not,
" and from their local circumstances, cannot be,
" represented in the house of commons in *Great-*
" *Britain*."

V. " THAT the only representatives of the peo-
" ple of the colonies, are the persons chosen therein
" by themselves; and that NO TAXES ever have
" been, or can be constitutionally imposed on them,
" but by their respective legislatures."

VI. " THAT *all supplies to the crown*, being free
" gifts of the people, it is *unreasonable, and incon-*
" *sistent with the principles and spirit of the Bri-*
" *tish constitution*, for the people of *Great-Bri-*
" *tain* to grant to his majesty *the property of the*
" *colonies*."

HERE is no distinction made between *internal*

[‡] The rough draught of the resolves of the congress at *New-York* are now in my hands, and from some notes on that draught, and other particular reasons, I am satisfied, that the congress understood the word "tax" in the sense here contended for.

and *external* taxes. It is evident from the short reasoning thrown into these resolves, that every imposition “to grant to his majesty *the property of the colonies,*” was thought a “tax ;” and that every such imposition, if laid any other way, than “with their consent, given personally, or by their representatives,” was not only “unreasonable, and inconsistent with the principles and spirit of the *British* constitution,” but destructive “to the freedom of a people.”

THIS language is clear and important. A “tax” means an imposition to raise money. Such persons therefore as speak of *internal* and *external taxes,* I pray may pardon me, if I object to that expression, as applied to the privileges and interests of these colonies. There may be *internal* and *external impositions,* founded on *different principles,* and having *different tendencies;* every “tax” being an imposition, though every imposition is not a “tax.” But *all taxes* are founded on the *same principle ;* and have the *same tendency.*

EXTERNAL impositions, for the regulation of our trade, do not “grant to his majesty *the property of the colonies.*” They only *prevent the colonies acquiring property,* in things not necessary, in a manner judged to be injurious to the welfare of the whole empire. But the last statute respecting

us, "grants to his majesty *the property of the*
"colonies," by laying duties on the manufactures
of Great-Britain which they *must* take, and which
she settled them, on purpose that they *should* take,

WHAT "tax*" can be more *internal* than this?
Here is money drawn, *without their consent*, from

* It seems to be evident, that mr. Pitt, in his defence of *America*, during the debate concerning the repeal of the *stamp-act*, by "*internal taxes*," meant any duties "for the purpose of raising a revenue;" and by "*external taxes*," meant duties imposed "for the regulation of trade." His expressions are these—"If the gentleman does not understand the difference between *internal* and *external taxes*, I cannot help it; but there is a plain distinction between taxes levied *for the purposes of raising a revenue*, and duties imposed *for the regulation of trade*, for the accommodation of the subject; altho', in the consequences, some revenue might incidentally arise from the latter."

These words were in mr. Pitt's reply to mr. Grenville, who said he could not understand the difference between external and internal taxes.

In every other part of his speeches on that occasion, his words confirm this construction of his expressions. The following extracts will shew how positive and general were his assertions of our right.

"It is my opinion that this kingdom has *no right* to lay a tax upon the colonies."—"The *Americans* are the *sons*, not the *bastards* of *England*. Taxation is *no part* of the governing or legislative power."—"The *taxes* are a voluntary gift and grant of the *commons alone*. In legislation the *three estates* of the realm are *alike* concerned, but the concurrence of the *peers* and the *crown* to a tax, is only necessary to close with the form of a law. The gift and grant is of the *commons alone*."—"The distinction between legislation and taxation is essentially necessary to liberty."—"The *commons* of *America*, represented in their several assemblies, have ever been in possession of the exercise of this their constitutional right, of giving and granting their own money. They would have been *SLAVES*, if they had not enjoyed it." "The idea of a virtual representation of *America* in

a society who have constantly enjoyed a constitutional mode of raising all money among themselves. The payment of this *tax* they have no possible method of avoiding; as they cannot do without the commodities on which it is laid, and they cannot manufacture these commodities themselves. Besides, if this unhappy country should be so lucky as to elude this act, by getting parchment enough, in the place of paper, or by reviving the ancient method of writing on wax and bark, and by inventing something to serve instead of glass, her ingenuity would stand her in little stead; for then the parliament would have nothing to do but to prohibit such manufactures, or to lay a tax on *bats* and

this house, is the most contemptible idea that ever entered into the head of man.—It does not deserve a serious refutation."

He afterwards shews the unreasonableness of *Great Britain* taxing *America*, thus—"When I had the honour of serving his majesty, I availed myself of the means of information, which I derived from my office, *I speak therefore from knowledge*. My materials were good. I was at pains to collect, to digest, to consider them; and *I will be bold to affirm*, that the profit to *Great-Britain* from the trade of the colonies, through all its branches, is *two millions a year*. *This* is the fund that carried you triumphantly through the last war. The estates that were rented at two thousand pounds a year, threescore years ago, are three thousand pounds at present. Those estates sold then from fifteen to eighteen years purchase; the same may now be sold for thirty. *You owe this to America. This is the price that America pays you for her protection.*"—"I dare not say how much higher these profits may be augmented."—"Upon the whole, I will beg leave to tell the house what is really my opinion; it is, that the *stamp-act* be repealed absolutely, totally, and immediately. That the reason for the repeal be assigned, because it was founded on an *erroneous principle*."

woollen cloths, which they have already prohibited the colonies *from supplying each other with*; or on instruments or tools of *steel and iron*, which they have prohibited the provincials *from manufacturing at all**: and then, what little gold and silver they have, must be torn from their hands, or they will not be able, in a short time, to get an ax†, for cutting their firewood, nor a plough, for raising their food. In what respect, therefore, I beg leave to ask, is the late act preferable to the *stamp-act*, or more consistent with the liberties of the colonies? For my own part, I regard them both with equal apprehension; and think they ought to be in the same manner opposed.

Habemus quidem senatus consultum,—tanquam gladium in vagina repositum.

We have a statute, laid up for future use, like a sword in the scabbard.

A FARMER.

* “ And that *pig and bar iron*, made in his majesty’s colonies in *America*, may be *further manufactured in this kingdom*, be it further enacted by the authority aforesaid, that from and after the twenty-fourth day of *June*, 1750, no *mill, or other engine*, for *slitting or rolling of iron*, or any *plating forge*, to work with a *tilt hammer*, or any *furnace for making steel*, shall be erected; or, after such erection, continued in any of his majesty’s colonies in *America*.” 23d George II. chap. 29. sect. 9.

† Tho’ these particulars are mentioned as being absolutely necessary, yet perhaps they are not more so than glass in our severe winters, to keep out the cold from our houses; or than paper, without which such inexpressible confusions must ensue.

L E T T E R V.

MY DEAR COUNTRYMEN,

PERHAPS the objection to the late act, imposing duties upon paper, &c. might have been safely rested on the argument drawn from the universal conduct of parliaments and ministers, from the first existence of these colonies, to the administration of mr. Grenville.

WHAT but the indisputable, the acknowledged exclusive right of the colonies to tax themselves, could be the reason, that in this long period of more than one hundred and fifty years, no statute was ever passed for the sole purpose of raising a revenue on the colonies? And how clear, how cogent must that reason be, to which every parliament, and every minister, for so long a time submitted, without a single attempt to innovate?

ENGLAND, in part of that course of years, and *Great-Britain*, in other parts, was engaged in several fierce and expensive wars; troubled with some tumultuous and bold parliaments; governed by many daring and wicked ministers; yet none of them ever ventured to touch the *palladium* of Ame-

rican liberty. Ambition, avarice, faction, tyranny, all revered it. Whenever it was necessary to raise money on the colonies, the requisitions of the crown were made, and dutifully complied with. The parliament, from time to time, regulated their trade, and that of the rest of the empire, to preserve their dependence, and the connection of the whole in good order.

THE people of *Great-Britain*, in support of their privileges, boast much of their antiquity. It is true they are ancient ; yet it may well be questioned, if there is a single privilege of a *British* subject, supported by longer, more solemn, or more uninterrupted testimony, than the exclusive right of taxation in these colonies. The people of *Great-Britain* consider that kingdom as the sovereign of these colonies, and would now annex to that sovereignty a prerogative never heard of before. How would they bear this, was the case their own ? What would they think of a *new* prerogative claimed by the crown ? We may guess what their conduct would be, from the transports of passion into which they fell about the late embargo, though laid to relieve the most emergent necessities of state, admitting of no delay ; and for which there were numerous precedents. Let our liberties be treated with the same tenderness, and it is all we desire.

EXPLICIT as the conduct of parliaments, for so many ages, is, to prove that no money can be levied on these colonies by parliament, for the purpose of raising a revenue, yet it is not the only evidence in our favour.

EVERY one of the most material arguments against the legality of the *stamp-act*, operates with equal force against the act now objected to ; but as they are well known, it seems unnecessary to repeat them here.

THIS general one only shall be considered at present ; that though these colonies are dependent on *Great-Britain* ; and though she has a legal power to make laws for preserving that dependence ; yet it is not necessary for this purpose, nor essential to the relation between a mother country and her colonies, as was eagerly contended by the advocates for the *stamp-act*, that she should raise money on them without their consent.

COLONIES were formerly planted by warlike nations, to keep their enemies in awe ; to relieve their country, overburthened with inhabitants ; or to discharge a number of discontented and troublesome citizens. But in more modern ages, the spirit of violence being, in some measure, if the expression

may be allowed, sheathed in commerce, colonies have been settled by the nations of *Europe* for the purposes of trade. These purposes were to be attained, by the colonies raising for their mother country those things which she did not produce herself; and by supplying themselves from her with things they wanted. These were the *national objects* in the commencement of our colonies, and have been uniformly so in their promotion.

To answer these grand purposes, perfect liberty was known to be necessary; all history proving, that trade and freedom are nearly related to each other. By a due regard to this wise and just plan, the infant colonies, exposed in the unknown climates and unexplored wildernesses of this new world, lived, grew, and flourished.

THE parent country, with undeviating prudence and virtue, attentive to the first principles of colonization, drew to herself the benefits she might reasonably expect, and preserved to her children the blessings, on which those benefits were founded. She made laws, obliging her colonies to carry to her all those products which she wanted for her own use; and all those raw materials which she chose herself to work up. Besides this restriction, she forbade them to procure *manufactures* from any other part of the globe, or even the *pro-*

ducts of European countries, which alone could rival her, without being first brought to her. In short, by a variety of laws, she regulated their trade in such a manner as she thought most conducive to their mutual advantage, and her own welfare. A power was reserved to the crown of *repealing* any laws that should be enacted; the *executive* authority of government was also lodged in the crown, and its representatives; and an *appeal* was secured to the crown from all judgments in the administration of justice.

FOR all these powers established by the mother country over the colonies; for all these immense emoluments derived by her from them; for all their difficulties and distresses in fixing themselves, what was the recompense made them? A communication of her rights in general, and particularly of that great one, the foundation of all the rest—that their property, acquired with so much pain and hazard, should be disposed of by none but themselves*—or, to use the beautiful and emphatic language of the sacred scriptures, “that they should sit *every man* under his vine, and under his fig-tree, and *none should make them afraid*.†”

* The power of *taxing themselves*, was the privilege of which the *English* were, “*with reason*,” particularly jealous. HUME’s *Hist. of England*.

† Mic. iv. 4.

CAN any man of candour and knowledge deny, that these institutions form an affinity between *Great-Britain* and her colonies, that sufficiently secures their dependence upon her? Or that for her to levy taxes upon them, is to reverse the nature of things? Or that she can pursue such a measure, without reducing them to a state of vassalage?

IF any person cannot conceive the supremacy of *Great-Britain* to exist, without the power of laying taxes to levy money upon us, the history of the colonies, and of *Great-Britain*, since their settlement, will prove the contrary. He will there find the amazing advantages arising to her from them—the constant exercise of her supremacy—and their filial submission to it, without a single rebellion, or even the thought of one, from their first emigration to this moment—And all these things have happened, without one instance of *Great-Britain's* laying taxes to levy money upon them.

How many *British authors*‡ have demonstrated, that the present wealth, power and glory of their

‡ It has been said in the house of commons, when complaints have been made of the decay of trade to any part of *Europe*, “ that such things were not worth regard, as *Great-Britain* was possessed of colonies that could consume more of her manufactures than she was able to supply them with.”

“ As the case now stands, we shall shew that the *plantations* are a spring of wealth to this nation, that they work for us, that their *treasure centers all here*,

country, are founded upon these colonies ? As constantly as streams tend to the ocean, have they been pouring the fruits of all their labours into their mother's lap. Good heaven ! and shall a total ob-

and that the laws have tied them fast enough to us ; so that it must be through our own fault and mismanagement, if they become independent of *England*."

DAVENANT on the plantation trade.

" It is better that the islands should be supplied from the northern colonies than from *England* ; for this reason, the provisions we might send to *Barbadoes*, *Jamaica*, &c. would be *unimproved* product of the earth, as grain of all kinds, or such product where there is little got by the improvement, as malt, salt, beef and pork ; indeed the exportation of salt fish thither would be more advantageous, but the goods which we send to the *northern colonies*, are such, whose improvement may be justly said, one with another, to be near *four fifths* of the value of the *whole commodity*, as apparel, household furniture, and many other things."

Idem.

" *New-England* is the most prejudicial plantation to the kingdom of *England* ; and yet, to do right to that most industrious *English* colony, I must confess, that though we lose by their unlimited trade with other foreign plantations, yet we are very great gainers by their direct trade to and from *Old England*. Our yearly exportations of *English* manufactures, malt and other goods, from hence thither, amounting, in my opinion, to *ten times* the value of what is imported from thence ; which calculation I do not make at random, but upon *mature consideration*, and, peradventure, upon *as much experience in this very trade*, as any other person will pretend to ; and therefore, whenever reformation of our correspondency in trade with that people shall be thought on, it will, in my poor judgment, require *great tenderness*, and *very serious circumspection*."

Sir JOSIAH CHILD's discourse on trade.

" Our plantations spend mostly our *English* manufactures, and those of all sorts almost *imaginable*, in *egregious quantities*. and employ near *two thirds* of all our *English shipping* ; so that we have *more people* in *England*, by reason of our plantations in *America*."

Idem.

livion of former tenderesses and blessings, be spread over the minds of a good and wise nation, by the sordid arts of intriguing men, who, covering

Sir JOSIAH CHILD says, in another part of his work, "that not more than fifty families are maintained in *England* by the refining of sugar." From whence, and from what *Davenant* says, it is plain, that the advantages here said to be derived from the plantations by *England*, must be meant chiefly of the continental colonies.

"I shall sum up my whole remarks on our *American* colonies, with this observation, that as they are a certain annual revenue of several millions sterling to their mother country, they ought carefully to be protected, duly encouraged, and every opportunity that presents, improved for their increment and advantage, as every one they can possibly reap, must at last return to us with interest."

BEAWE'S *Lex Merc. Red.*

"We may safely advance, that our trade and navigation are greatly increased by our colonies, and that they really are a source of treasure and naval power to this kingdom, since *they work for us*, and *their treasure centers here*. Before their settlement, our manufactures were few, and those but indifferent; the number of *English* merchants were very small, and the whole shipping of the nation much inferior to what now belongs to the northern colonies only. *These are certain facts*. But since their establishment, our condition has altered for the better, almost to a degree beyond credibility. Our *manufactures* are prodigiously increased, chiefly by the demand for them in the plantations, where they *at least take off one half*, and supply us with many valuable commodities for exportation, which is as great an emolument to the mother kingdom, as to the plantations themselves."

POSTLETHWAYT'S *uni^a, dict. of trade and commerce*.

"Most of the nations of *Europe* have interfered with us, more or less, in divers of our staple manufactures, within half a century, not only in our woollen, but in our lead and tin manufactures, as well as our fisheries."

POSTLETHWAYT, *ibid.*

"The inhabitants of our colonies, by carrying on a trade with their *foreign neighbours*, do not only occasion a greater quantity of the goods and merchandizes of

their selfish projects under pretences of public good; first enrage their countrymen into a frenzy of passion and then advance their own influence and inte-

Europe being sent from hence to them, and a greater quantity of the product of America to be sent from them hither, which would otherwise be carried from, and brought to Europe by foreigners, but an increase of the seamen and navigation in those parts, which is of great strength and security, as well as of great advantage to our plantations in general. And though some of our colonies are not only for preventing the importations of all goods of the same species they produce, but suffer particular planters to keep great runs of land in their possession uncultivated, with design to prevent new settlements, whereby they imagine the prices of their commodities may be affected; yet if it be considered, that the markets of Great-Britain depend on the markets of ALL Europe in general, and that the European markets in general depend on the proportion between the annual consumption and the whole quantity of each species annually produced by ALL nations; it must follow, that whether we or foreigners are the producers, carriers, importers and exporters of American produce, yet their respective prices in each colony (the difference of freight, customs and importations considered) will always bear proportion to the general consumption of the whole quantity of each sort, produced in all colonies, and in all parts, allowing only for the usual contingencies that trade and commerce, agriculture and manufactures, are liable to in all countries."

POSTLETHWAYT, *ibid.*

"It is certain, that from the very time *sir Walter Raleigh*, the father of our *English* colonies, and his associates, first projected these establishments, there have been persons who have found an interest, in *misrepresenting*, or lessening the value of them.—The attempts were called chimerical and dangerous. Afterwards many malignant suggestions were made about sacrificing so many *Englishmen* to the obstinate desire of settling colonies in countries which then produced very little advantage. But as these difficulties were gradually surmounted, those complaints vanished. No sooner were *these lamentations* over, but *others* arose in their stead; when it could be no longer said, that the colonies were *useless*, it was alledged that they were not *useful enough* to their mother country; that while we were loaded with taxes, they were absolutely free; that the *planters* lived like *princes*, while the inhabitants of *England* laboured hard for a tolerable subsistence."

POSTLETHWAYT, *ibid.*

rest, by gratifying the passion, which they themselves have basely excited.

HITHERTO *Great-Britain* has been contented with her prosperity. Moderation has been the rule

! "Before the settlement of these colonies," says *Postlethwayt*, "our manufactures were few, and these but indifferent. In those days we had not only our naval stores, but our ships from our neighbours. *Germany* furnished us with all things made of metal, even to nails. Wine, paper, linens, and a thousand other things came from *France*. *Portugal* supplied us with sugar; all the products of *America* were poured into us from *Spain*; and the *Venetians* and *Genoese* retailed to us the commodities of the *East-Indies*, at their own price.

"If it be asked, whether foreigners, for what goods they take of us, do not pay on *that consumption* a great portion of our taxes? It is admitted they do."

POSTLETHWAYT'S *Great-Britain's True System*.

"If we are afraid that one day or other the colonies will revolt, and set up for themselves, as some seem to apprehend, let us not drive them to a necessity to *feel* themselves independent of us; as they *will* do, the moment they perceive that "*they can be supplied with all things from within themselves*," and do not need our assistance.—If we would keep them still dependent upon their mother country, and, in some respects, *subservient* to her *views* and welfare; let us make it their *interest* always to be so."

TUCKER on *Trade*.

"Our colonies, while they have *English* blood in their veins, and have relations in *England*, and *while they can get by trading with us*, the stronger and greater they grow, the more this crown and kingdom will get by them; and nothing but such an arbitrary power as shall make them desperate, can bring them to rebel."

DAVENANT on the *plantation trade*.

"The northern colonies are not upon the same footing as those of the south; and having a worse soil to improve, they must find the recompense some other way, which only can be in property and dominion: upon which score, any innovations in the form of government there, should be cautiously examined, for fear of entering upon measures, by which the industry of the inhabitants

of her conduct. But now, a generous humane people, that so often has protected the liberty of *strangers*, is inflamed into an attempt to tear a privilege from her own children, which, if executed, must, in their opinion, sink them into slaves : *and for*

be quite discouraged. "Tis *always* *unfortunate* for a people, either by *consent*, or upon *compulsion*, to depart from their *primitive institutions*, and *those fundamentals*, by which they were *first united together*." *Idem.*

"The most effectual way of *uniting* the colonies, is to make it their common interest to oppose the designs and attempts of *Great-Britain*."

"All wise states will well consider how to preserve the advantages arising from colonies, and avoid the evils. And I conceive that there can be but *two* ways in nature to hinder them from throwing off their dependence ; one to keep it out of their *power*, and the *other*, out of their *will*. The *first* must be by *force* ; and the *latter*, by *using them well*, and keeping them employed in such productions, and making such manufactures, as will support themselves and families comfortably, and *procure them wealth too*, and at least not prejudice their mother country."

"Force can never be used effectually to answer the end, *without destroying the colonies themselves*. Liberty and encouragement are necessary to carry people thither, and to keep them together when they are there ; and violence will hinder both. Any body of troops, considerable enough to awe them, and keep them in subjection, under the direction too of a *needy governor*, often sent thither to make his fortune, and at such a distance from any application for redress, will soon put an end to all planting, and leave the country to the soldiers alone, and if it did not, *would eat up all the profit of the colony*. For this reason : arbitrary countries have not been equally successful in planting colonies with free ones ; and what they have done in that kind, has either been by force, at a vast expence, or by *departing from the nature of their government*, and *giving such privileges to planters as were denied to their other subjects*. And I dare say, that a few prudent laws, and a little prudent conduct, would soon give us far the greatest share of the riches of all *America*, perhaps drive many of other nations out of it, or into our colonies for shelter."

what? For a pernicious power, not necessary to her, as her own experience may convince her; but horribly dreadful and detestable to them.

It seems extremely probable, that when cool, dispassionate posterity, shall consider the affectionate intercourse, the reciprocal benefits, and the unsuspecting confidence, that have subsisted between these colonies and their parent country, for such a length of time, they will execrate, with the bitterest curses, the infamous memory of those men, whose pestilential ambition unnecessarily, wantonly, cruelly, first opened the sources of civil discord between them; first turned their love into jealousy; and first taught these provinces, filled with grief and anxiety, to inquire——

Mens ubi materna est?

Where is maternal affection?

A FARMER.

"There are ~~so many~~ exigencies in all states, ~~so many~~ foreign wars, and domestic disturbances, that these colonies can never want opportunities, if they watch for them, to do ~~what they shall find their interest to do~~; and therefore we ought to take all the precautions in our power, that it shall never be ~~their interest~~ to act against that of their native country; an evil which can no otherwise be averted, than by keeping them *fully employed* in such trades as *will increase their own*, as well as our wealth; for it is much to be feared if we do not find employment for *them*, they may find it for *us*; the interest of the mother country, is always to keep them dependent, and so employed; and it requires all her address to do it; and it is certainly more *easily and effectually* done by *gentle and insensible* methods than by *power alone*."

CATO's Letters.

L E T T E R VI.

MY DEAR COUNTRYMEN,

IT may perhaps be objected against the arguments that have been offered to the public, concerning the legal power of the parliament, "that it has always exercised the power of imposing duties for the purposes of raising a revenue on the productions of these colonies carried to *Great-Britain*, which may be called a tax on them." To this objection I answer, that this is no violation of the rights of the colonies, it being implied in the relation between them and *Great-Britain*, that they should not carry such commodities to other nations, as should enable them to interfere with the mother country. The imposition of duties on these commodities, when brought to her, is only a consequence of her parental right; and if the point is thoroughly examined, the duties will be found to be laid on the people of the mother country. Whatever they are, they must proportionably raise the price of the goods, and consequently must be paid by the consumers. In this light they were considered by the parliament in the 25th *Charles II.* chap. 7. sect. 2. which says, that the productions of the plantations were carried from one to another

free from all customs, “ while the subjects of this
 “ your kingdom of *England* have paid *great cus-*
 “ *toms and impositions for what of them have*
 “ *been spent here,*” &c.

BESIDES, if *Great-Britain* exports these com-
 modities again, the duties will injure her own trade,
 so that she cannot hurt us, without plainly, and
 immediately hurting herself; and this is our
 check against her acting arbitrarily in this respect.

* IT may be perhaps further objected, “ that it
 “ being granted that statutes made for regulating

* If any one should observe that no opposition has been made to the legal-
 ity of the 4th *George III.* chap. 15. which is the *first* act of parliament that
 ever imposed duties on the importations into *America*, for the expressed purpose
 of raising a revenue there; I answer—*First*, that though the act expressly
 mentions the raising a revenue in *America*, yet it seems that it had as much in
 view the “ improving and securing the trade between the same and *Great-*
Britain,” which words are part of its title: and the preamble says, “ Where-
 as it is expedient that new provisions and regulations should be established for
 improving the revenue of this kingdom, and for extending and securing the navi-
 gation and commerce between *Great-Britain* and your majesty’s dominions in *America*,
 which by the peace have been so happily extended and enlarged,” &c. Se-
 condly, all the duties mentioned in that act, are imposed solely on the *productions*
and manufactures of foreign countries, and not a single duty laid on any producti-
 on or manufacture of our mother country. Thirdly, the authority of the
 provincial assemblies is not therein so plainly attached as by the last act, which
 makes provision for defraying the charges of the “ administration of justice,”
 and the “ support of civil government.” Fourthly, that it being doubtful,
 whether the intention of the 4th *George III.* chap. 15. was not as much to *regu-*
late trade, as to raise a revenue, the minds of the people here were wholly en-

“ trade, are binding upon us, it will be difficult
“ for any persons, but the makers of the laws, to
“ determine which of them are made for the regu-
“ lating of trade, and which for raising a revenue ;
“ and that from hence may arise confusion.”

To this I answer, that the objection is of no force
in the present case, or such as resemble it ; because
the act now in question, is formed *expressly* “ for
“ *the sole purpose of raising a revenue.*”

HOWEVER, supposing the design of parliament
had not been *expressed*, the objection seems to me
of no weight, with regard to the influence which
those who may make it, might expect it ought to
have on the conduct of these colonies.

It is true, that *impositions for raising a revenue*,
may be hereafter called *regulations of trade* ; but
names will not change the nature of things. In-

grossed by the terror of the *stamp-act*, then impending over them, about the in-
tention of which there could be *no doubt*.

These reasons so far distinguish the 4th *George III.* chap. 13. from the *last*
act, that it is not to be wondered at, that the first should have been submitted
to, though the *last* should excite the most universal and spirited opposition.
For *this* will be found, on the strictest examination, to be, in the *principle* on
which it is founded, and in the *consequences* that must attend it, if possible,
more destructive than the *stamp-act*. It is, to speak plainly, a *prodigy* in
our laws ; not having one *British* feature.

deed we ought firmly to believe, what is an undoubted truth, confirmed by the unhappy experience of many states heretofore free, that *unless the most watchful attention be exerted, a new servitude may be slipped upon us, under the sanction of usual and respectable terms.*

Thus the *Cæsars* ruined the *Roman* liberty, under the titles of *tribunical* and *dictatorial* authorities—old and venerable dignities known in the most flourishing times of freedom. In imitation of the same policy, *James II.* when he meant to establish popery, *talked* of liberty of conscience, the most sacred of all liberties; and had thereby almost deceived the dissenters into destruction.

ALL artful rulers who strive to extend their power beyond its just limits, endeavour to give to their attempts as much semblance of legality as possible. Those who succeed them may venture to go a little further; for each new encroachment will be strengthened by a former. “That which is now supported by examples, growing old, will become an example itself,*” and thus support fresh usurpations.

A FREE people therefore can never be too quick in observing, nor too firm in opposing the begin-

* *Tacitus.*

nings of *alteration* either in *form* or *reality*, respecting institutions formed for their security. The first kind of alteration leads to the last; yet, on the other hand, nothing is more certain, than that the *forms* of liberty may be retained, when the *substance* is gone. In government, as well as in religion, “the *letter* killeth, but the *spirit* giveth life.” †

I WILL beg leave to inforce this remark by a few instances. The crown, by the constitution, has the prerogative of creating peers. The existence of that order, in due number and dignity, is essential to the constitution; and if the crown did not exercise that prerogative, the peerage must have long since decreased so much as to have lost its proper influence. Suppose a prince, for some unjust purposes, should from time to time, advance so many needy, profligate wretches to that rank, that all the independence of the house of lords should be destroyed? there would then be a manifest violation of the constitution, *under the appearance of using legal prerogative*.

THE house of commons claims the privilege of forming all money bills, and will not suffer either of the other branches of the legislature to add to,

or alter them ; contending that their power simply extends to an acceptance or rejection of them. This privilege appears to be just : but under pretence of this just privilege, the house of commons has claimed a license of tacking to money bills, clauses relating to things of a totally different kind, and thus forcing them in a manner on the king and lords. This seems to be an abuse of that privilege, and it may be vastly more abused. Suppose a future house, influenced by some displaced, discontented demagogues, in a time of danger, should tack to a money bill, something so injurious to the king and peers, that they would not assent to it, and yet the commons should obstinately insist on it ; the whole kingdom would be exposed to ruin by them, *under the appearance of maintaining a valuable privilege.*

IN these cases it might be difficult for a while to determine, whether the king intended to exercise his prerogative in a constitutional manner or not ; or whether the commons insisted on their demand factiously, or for the public good : but surely the conduct of the crown, or of the house, would in time sufficiently explain itself.

SHOULD not the people therefore to watch ? to observe facts ? to search into causes ? to investigate designs ? And have they not a right of judg-

ing from the evidence before them, on no slighter points than their *liberty* and *happiness*? It would be less than trifling, wherever a *British* government is established, to make use of any arguments to prove such a right. It is sufficient to remind the reader of the day, on the anniversary of which the first of these letters is dated.

I WILL now apply what has been said, to the present question.

THE *nature* of any impositions laid by parliament on these colonies, must determine the *design* in laying them. It may not be easy in every instance to discover that design. Wherever it is doubtful, I think submission cannot be dangerous: nay, it must be right; for, in my opinion, there is no privilege these colonies claim, which they ought in *duty* and *prudence* more earnestly to maintain and defend, than the authority of the *British* parliament to regulate the trade of all her dominions. Without this authority, the benefits she enjoys from our commerce, must be lost to her: the blessings we enjoy from our dependence upon her, must be lost to us. Her strength must decay; her glory vanish; and she cannot suffer without our partaking in her misfortune.—*Let us therefore cherish her interests as our own, and give her eve-*

ry thing that it becomes freemen to give or to receive.

THE nature of any impositions she may lay upon us may, in general, be known, by considering how far they relate to the preserving, in due order, the connection between the several parts of the *British* empire. One thing we may be assured of, which is this—whenever she imposes duties on commodities, to be paid only upon their exportation from *Great-Britain* to these colonies, it is not a regulation of trade, but a design to raise a revenue upon us. Other instances may happen, which it may not be necessary at present to dwell on. I hope these colonies will never, to their latest existence, want *understanding sufficient to discover the intentions of those who rule over them, nor the resolution necessary for asserting their interests.* They will always have the same rights, that all free states have, of judging when their privileges are invaded, and of using all prudent measures for preserving them.

Quocirca vivite fortes
Fortiaque adversis opponite pectora rebus,
 Wherefore keep up your spirits, and gallantly
 oppose this adverse course of affairs.

A FARMER,

L E T T E R VII.

MY DEAR COUNTRYMEN,

THIS letter is intended more particularly for such of you, whose employments in life may have prevented your attending to the consideration of some points that are of great and public importance : for many such persons there must be even in these colonies, where the inhabitants in general are more intelligent than any other people whatever, as has been remarked by strangers, and it seems with reason.

SOME of you, perhaps, filled, as I know your breasts are, with loyalty to our most excellent prince, and with love to our dear mother country, may feel yourselves inclined, by the affections of your hearts, to approve every action of those whom you so much venerate and esteem. A prejudice thus flowing from goodness of disposition, is amiable indeed. I wish it could be indulged without danger. Did I think this possible, the error should have been adopted, and not opposed by me. But in truth, all men are subject to the frailties of nature ; and therefore whatever regard we entertain for the *persons* of those who govern us, we should

always remember that their conduct, as *rulers*, may be influenced by human infirmities.

WHEN any laws, injurious to these colonies, are passed, we cannot suppose, that any injury was intended us by his majesty, or the lords. For the assent of the crown and peers to laws, seems, as far as I am able to judge, to have been vested in them, more for their own security, than for any other purpose. On the other hand, it is the particular business of the people, to inquire and discover what regulations are useful for themselves, and to digest and present them in the form of bills, to the other orders, to have them enacted into laws. Where these laws are to bind *themselves*, it may be expected, that the house of commons will very carefully consider them: but when they are making laws that are not designed to bind *themselves*, we cannot imagine that their deliberations will be as* cautious and scrupulous, as in their own case.

* Many remarkable instances might be produced of the extraordinary inattention with which bills of great importance, concerning these colonies, have passed in parliament; which is owing, as it is supposed, to the bills being brought in by the persons who have points to carry, so artfully framed, that it is not easy for the members in general, in the haste of business, to discover their tendency.

The following instances shew the truth of this remark. When mr. Grenville, in the violence of reformation, formed the 4th of George III. chap. 13th. for regulating the *American* trade, the word "*Ireland*" was dropt in the clause

I AM told, that there is a wonderful address frequently used in carrying points in the house of commons, by persons experienced in these affairs. —That opportunities are watched—and sometimes

relating to our iron and lumber, so that we could send these articles to no part of *Europe*, but to *Great-Britain*. This was so unreasonable a restriction, and so contrary to the sentiments of the legislature for many years before, that it is surprising it should not have been taken notice of in the house. However the bill passed into a law. But when the matter was explained, this restriction was taken off by a subsequent act. I cannot positively say how long after the taking off this restriction, as I have not the act, but I think, in less than eighteen months, another act of parliament passed, in which the word "*Ireland*" was left out, just as it had been before. The matter being a second time explained, was a second time regulated.

Now if it be considered, that the omission mentioned struck off with *one word so very great a part of our trade*, it must appear *remarkable*; and equally so is the method, by which *rice* became an enumerated commodity.

"The enumeration was obtained (says mr. [a] Gee) by one *Cole*, a captain of a ship, employed by a company then trading to *Carolina*: for several ships going from *England* thither, and purchasing rice for *Portugal*, prevented the *aforesaid* captain of a loading. Upon his coming home, he possessed one mr. *Lorundes*, a member of parliament (*who was very frequently employed to prepare bills*) with an opinion, that carrying rice directly to *Portugal*, was a prejudice to the trade of *England*, and *privately* got a clause into an act, to make it an enumerated commodity; *by which means he secured a freight to himself*. But the consequence proved a vast loss to the nation."

I find that this clause, "*privately* got into an act," for the benefit of captain *Cole*, to the "*vast loss of the nation*," is foisted into the 3d and 4th *Anne*, chap. 5th, intituled, "An act for granting to her majesty a further subsidy on wines and merchandizes imported," with which it has no more connection, than with 34th *Edward I.* the 34th and 35th of *Henry VIII.* and the 25th of *Charles II.* which provide, that no person shall be taxed but by himself or his representative.

[a] Gee on trade, page 32.

votes are passed, that if all the members had been present, would have been rejected by a great majority. Certain it is, that when a powerful and artful man has determined on any measure against these colonies, he has always succeeded in his attempt. Perhaps therefore it will be proper for us, whenever any oppressive act affecting us is passed, to attribute it to the inattention of the members of the house of commons, and to the malevolence or ambition of some factious great man, rather than to any other cause.

Now I do verily believe, that the late act of parliament, imposing duties on paper, &c. was formed by mr. *Grenville*, and his party, because it is evidently a part of that plan, by which he endeavoured to render himself *popular* at home ; and I do also believe, that not one half of the members of the house of commons, even of those who heard it read, did perceive how destructive it was to *American* freedom. For this reason, as it is usual in *Great-Britain*, to consider the king's speech as the speech of the ministry, it may be right here to consider this act as the act of a *party*, perhaps I should speak more properly, if I was to use another term.

THERE are two ways of laying taxes. One is, by imposing a certain sum on particular kinds of property, to be paid by the *user* or *consumer*, or

by rating the *person* at a certain sum. The other is, by imposing a certain sum on particular kinds of property, to be paid by the *seller*.

WHEN a man pays the first sort of tax, he *knows with certainty* that he pays so much money *for a tax*. The *consideration* for which he pays it, is remote, and, it may be, does not occur to him. He is sensible too, that he is *commanded and obliged* to pay it *as a tax*; and therefore people are apt to be displeased with this sort of tax.

THE other sort of tax is submitted to in a very different manner. The purchaser of any article, very seldom reflects that the seller raises his price, so as to indemnify himself for the tax *he* has paid. He knows that the prices of things are continually fluctuating, and if he thinks about the tax, he thinks at the same time, that he *might* have paid as much, if the article he buys had not been taxed. He gets something *visible* and *agreeable* for his money; and tax and price are so confounded together, that he cannot separate, or does not choose to take the trouble of separating them.

THIS mode of taxation therefore is the mode suited to arbitrary and oppressive governments. —The love of liberty is so natural to the human heart, that unfeeling tyrants think themselves oblig-

ed to accommodate their schemes as much as they can to the appearance of justice and reason, and to deceive those whom they resolve to destroy, or oppress, by presenting to them a miserable picture of freedom, when the inestimable original is lost.

THIS policy did not escape the cruel and rapacious *Nero*. That monster, apprehensive that his crimes might endanger his authority and life, thought proper to do some popular acts, to secure the obedience of his subjects. Among other things, says *Tacitus*, “ he remitted the twenty-fifth part of the “ price on the sale of slaves, but rather in *show* “ than *reality*; for the *seller* being ordered to pay “ it, it became part of the price to the *buyer*.”*

THIS is the reflection of the judicious *historian*; but the deluded *people* gave their infamous emperor full credit for his false generosity. Other nations have been treated in the same manner the *Romans* were. The honest, industrious *Germans*, who are settled in different parts of this continent, can inform us, that it was this sort of tax that drove them from their native land to our woods, at that time the seats of perfect and undisturbed freedom.

THEIR princes, inflamed by the lust of power, and the lust of avarice, two furies that the more

* *Tacitus's Ann.* book 13. sect. 31.

they are gorged, the more hungry they grow, transgressed the bounds they ought, in regard to themselves, to have observed. To keep up the deception in the minds of subjects, "there must be," says a very learned author,† "some proportion between the impost and the value of the commodity; wherefore there ought not to be an excessive duty upon merchandizes of little value. There are countries in which the duty exceeds seventeen or eighteen times the value of the commodity.—In this case the prince removes the illusion. His subjects plainly see they are dealt with in an unreasonable manner, which renders them most exquisitely sensible of their slavish situation." From hence it appears, that subjects may be ground down into misery by this sort of taxation, as well as by the former. They will be as much impoverished, if their money is taken from them in this way, as in the other; and that it will be taken, may be more evident, by attending to a few more considerations.

THE merchant or importer who pays the duty at first, will not consent to be so much money out of pocket. He therefore proportionably raises the price of his goods. It may then be said to be a contest between him and the person offering to buy, who shall lose the duty. This must be decided

† *Montesquieu's Spirit of Laws*, book 13, chap. 2.

by the nature of the commodities, and the purchaser's demand for them. If they are mere luxuries, he is at liberty to do as he pleases, and if he buys, he does it voluntarily : but if they are absolute *necessaries*, or *conveniencies*, which use and custom have made requisite for the comfort of life, and which he is not permitted, by the power imposing the duty, *to get elsewhere*, there the seller has a plain advantage, and the buyer *must* pay the duty. In fact, the seller is nothing less than a collector of the tax for the power that imposed it. If these duties then are extended to the necessities and conveniencies of life in general, and enormously increased, the people must at length become indeed " most exquisitely sensible of their slavish situation." Their happiness therefore entirely depends on the moderation of those who have authority to impose the duties,

I SHALL now apply these observations to the late act of parliament. Certain duties are thereby imposed on paper and glass, imported into these colonies. By the laws of *Great-Britain* we are prohibited to get these articles from any other part of the world. We cannot at present, nor for many years to come, though we should apply ourselves to these manufactures with the utmost industry, make enough ourselves for our own use. That paper and glass are not only convenient, but abso-

lutely necessary for us, I imagine very few will contend. Some perhaps, who think mankind grew wicked and luxurious, as soon as they found out another way of communicating their sentiments than by speech, and another way of dwelling than in caves, may advance so whimsical an opinion. But I presume no body will take the unnecessary trouble of refuting them.

From these remarks I think it evident, that we *must* use paper and glass ; that what we use, *must* be *British* ; and that we *must* pay the duties imposed, unless those who sell these articles, are so generous as to make us presents of the duties they pay.

SOME persons may think this act of no consequence, because the duties are so *small*!. A fatal error. *That* is the very circumstance most alarming to me. For I am convinced, that the authors of this law would never have obtained an act to raise so trifling a sum as it must do, had they not intended by *it* to establish a *precedent* for future use. To console ourselves with the *smallness* of the duties, is to walk deliberately into the snare that is set for us, praising the *neatness* of the workmanship. Suppose the duties imposed by the late act could be paid by these distressed colonies with the utmost ease, and that the purposes to which

they are to be applied, were the most reasonable and equitable that can be conceived, the contrary of which I hope to demonstrate before these letters are concluded ; yet even in such a supposed case, these colonies ought to regard the act with abhorrence. *For who are a free people ? Not those, over whom government is reasonably and equitably exercised, but those, who live under a government so constitutionally checked and controuled, that proper provision is made against its being otherwise exercised.*

THE late act is founded on the destruction of this constitutional security. If the parliament have a right to lay a duty of four shillings and eight-pence on a hundred weight of glass, or a ream of paper, they have a right to lay a duty of any other sum on either. They may raise the duty, as the author before quoted says has been done in some countries, till it “ exceeds seventeen or eighteen times “ the value of the commodity.” In short, if they have a right to levy a tax of *one penny* upon us, they have a right to levy a *million* upon us : for where does their right stop ? At any given number of pence, shillings or pounds ? To attempt to limit their right, after granting it to exist at all, is as contrary to reason—as granting it to exist at all, is contrary to justice. If *they* have any right to tax *us* —then, whether *our own money* shall continue in

our own pockets or not, depends no longer on *us*, but on *them*. "There is nothing which" we can call our own; or, to use the words of mr. *Locke*—" *what property have we in that, which another may, by right, take, when he pleases, to himself?*"*

THESE duties, which will inevitably be levied upon us—which are now levying upon us—are *expressly laid for the sole purpose of taking money*. This is the true definition of "*taxes*." They are therefore *taxes*. This money is to be taken from *us*. *We* are therefore *taxed*. *Those* who are *taxed* without their own consent, expressed by themselves or their representatives, are *slaves*. *We* are *taxed* without our own consent, expressed by ourselves or our representatives. *We* are therefore—SLAVES. †

Miserabile vulgus.

A miserable tribe.

A FARMER.

* Lord Camden's speech.

† "It is my opinion, that this kingdom has no right to lay a tax upon the colonies."—"The Americans are the sons, not the bastards of England."—"The distinction between legislation and taxation is essentially necessary to liberty."—"The commons of America, represented in their several assemblies, have ever been in possession of this their constitutional right, of giving and granting their own money. They would have been slaves, if they had not enjoyed it."—"The

L E T T E R VIII.

MY DEAR COUNTRYMEN,

IN my opinion, a dangerous example is set in the last act relating to these colonies. The power of parliament to levy money upon us for raising a

idea of a *virtual representation of America* in this house, is the most contemptible idea, that ever entered into the head of man.—It does not deserve a serious refutation.”

Mr. PITT's speech on the stamp-act.

That great and excellent man, lord *Camden*, maintains the same opinion. His speech in the house of peers, on the declaratory bill of the sovereignty of *Great-Britain* over the colonies, has lately appeared in our papers. The following extracts so perfectly agree with, and confirm the sentiments avowed in these letters, that it is hoped the inserting them in this note will be excused.

“As the affair is of the *utmost importance*, and in its consequences may involve the *fate of kingdoms*, I took the strictest review of my arguments; I re-examined all my authorities; fully determined, if I found myself mistaken, publicly to own my mistake, and give up my opinion: but my searches have more and more convinced me, that the *British* parliament have “*no right to tax*,” the *Americans*.”—“Nor is the doctrine new; it is as old as the constitution; it grew up with it; indeed it is its support.”—“*Taxation and representation* are inseparably united. God hath joined them: no *British* parliament can separate them: to endeavour to do it, is to stab our vitals.”

“My position is this—I repeat it—I will maintain it to my last hour—*taxation and representation* are inseparable—this position is founded on the laws of nature; it is more, it is itself *an eternal law of nature*; for whatever is a man's own, is absolutely his own; *no man hath a right to take it from him without his consent*, either expressed by himself or representative; *whoever attempts to do*

a revenue, is therein *avowed* and *exerted*. Regarding the act upon this single principle, I must again repeat, and I think it my duty to repeat, that to me it appears to be *unconstitutional*.

No man, who considers the conduct of the parliament since the repeal of the *stamp-act*, and the disposition of many people at home, can doubt, that the chief object of attention there, is, to use mr. Grenville's expression, "providing that the

he attempts an injury ; whoever does it, commits a robbery ; he throws down the distinction between liberty and slavery."—"There is not a blade of grass, in the most obscure corner of the kingdom, which is not, which was not ever represented, since the constitution began : there is not a blade of grass, which, when taxed, was not taxed by the consent of the proprietor." "The forefathers of the Americans did not leave their native country, and subject themselves to every danger and distress, to be reduced to a state of slavery. They did not give up their rights : they looked for protection, and not for chains, from their mother country. By her they expected to be defended in the possession of their property, and not to be deprived of it : for should the present power continue, there is nothing which they can call their own ; or, to use the words of mr. Locke, "what property have they in that, which another may, by right, take, when he pleases, to himself?"

It is impossible to read this speech, and mr. Pitt's, and not be charmed with the generous zeal for the rights of mankind that glows in every sentence. These great and good men, animated by the subject they speak upon, seem to rise above all the former glorious exertions of their abilities. A foreigner might be tempted to think they are Americans, asserting, with all the ardour of patriotism, and all the anxiety of apprehension, the cause of their native land—and not Britons, striving to stop their mistaken countrymen from oppressing others. Their reasoning is not only just—it is, as mr. Hume says of the eloquence of Demosthenes, "vehement." It is disdain, anger, boldness, freedom, involved in a continual stream of argument.

dependence and obedience of the colonies be asserted and maintained."

UNDER the influence of this notion, instantly on repealing the *stamp-act*, an act passed declaring the power of parliament to bind these colonies *in all cases whatever*. This however was only planting a barren tree, that cast a *shade* indeed over the colonies, but yielded no *fruit*. It being determined to inforce the authority on which the *stamp-act* was founded, the parliament having never renounced the right, as mr. *Pitt* advised them to do; and it being thought proper to disguise that authority in such a manner, as not again to alarm the colonies; some little time was required to find a method by which both these points should be united. At last the ingenuity of mr. *Grenville* and his party accomplished the matter, as it was thought, in "an act for granting certain duties in the *British* colonies and plantations in *America*, for allowing "drawbacks," &c. which is the title of the act laying duties on paper, &c.

THE parliament having several times before imposed duties to be paid in *America*, *it was expected, no doubt, that the repetition of such a measure would be passed over, as an usual thing*. But to have done this, without expressly "asserting and "maintaining" the power of parliament to take

our money without our consent, and to apply it as they please, would not have been, in mr. *Grenville's* opinion, sufficiently declarative of its supremacy, nor sufficiently depressive of *American* freedom.

THEREFORE it is, that in this memorable act we find it *expressly* "provided," that money shall be levied upon us without our consent, for purposes, that render it, *if possible*, more dreadful than the *stamp-act*.

THAT act, alarming as it was, declared, the money thereby to be raised, should be applied "to-wards defraying the expences of defending, protecting and securing the *British* colonies and plantations in *America*:" And it is evident from the whole act, that by the word "*British*" were intended colonies and plantations *settled by British people*, and not generally, *those subject to the British crown*. That act therefore seemed to have something gentle and kind in its intention, and to aim only at *our own welfare*: but the act now objected to, imposes duties upon the *British* colonies, "to defray the expences of defending, protecting and securing his majesty's dominions *in America*."

WHAT a *change* of words!—What an *incomputable addition* to the expences intended by the *stamp-act*! “*His Majesty’s dominions*” comprehend not only *the British colonies*, but also *the conquered provinces of Canada and Florida, and the British garrisons of Nova-Scotia*; for *these* do not deserve the name of *colonies*.

WHAT justice is there in making us pay for “defending, protecting and securing” *these places*? What benefit *can we*, or *have we* ever derived *from them*? None of them was conquered *for us*; nor will “be defended, protected or secured” *for us*.

IN fact, however advantageous the subduing or keeping any of these countries may be to *Great-Britain*, the acquisition is greatly injurious to these colonies. Our chief property consists in *lands*.—These would have been of much greater value, if such prodigious additions had not been made to the *British* territories on this continent. The natural increase of our own people, if confined within the colonies, would have raised the value still higher and higher every fifteen or twenty years: besides, we should have lived more compactly together, and have been therefore more able to resist any enemy. But now the inhabitants will be thinly scattered over an immense region, as those who want settle-

ments, will choose to make new ones, rather than pay great prices for old ones.

THESE are the consequences to the colonies, of the hearty assistance they gave to *Great-Britain* in the late war—a war *undertaken solely for her own benefit*. The objects of it were, the securing to herself the rich tracts of land on the back of these colonies, with the *Indian* trade; and *Nova-Scotia*, with the fishery. *These, and much more, has that kingdom gained*; but the *inferior animals* that hunted with the *lion*, have been amply rewarded for all the sweat and blood their loyalty cost them, by the honour of having sweated and bled in such company.

I WILL not go so far as to say, that *Canada* and *Nova-Scotia* are curbs on *New-England*; the chain of forts through the back woods on the middle provinces; and *Florida* on the rest: but I will venture to say, that if the products of *Canada*, *Nova-Scotia* and *Florida*, deserve any consideration, the two first of them are only rivals of our northern colonies, and the other of our southern.

IT has been said, that without the conquest of these countries, the colonies could not have been “protected, defended and secured.” If that is true, it may with as much propriety be said, that *Great-*

Britain could not have been “ defended, protected “ and secured,” without that conquest: for the colonies are parts of her empire, which it *as much* concerns *her* as *them* to keep out of the hands of any other power.

BUT these colonies, when they were much weaker, defended themselves, before this conquest was made, and could again do it, against any that might properly be called *their* enemies. If *France* and *Spain* indeed should attack them, *as members of the British empire*, perhaps they might be distressed; but it would be in a *British* quarrel.

THE largest account I have seen of the number of people in *Canada*, does not make them exceed 90,000. *Florida* can hardly be said to have any inhabitants. It is computed that there are in our colonies 3,000,000. Our force therefore must increase with a disproportion to the growth of *their* strength, that would render us very safe.

THIS being the state of the case, I cannot think it just that ~~these~~ colonies, labouring under ~~so many~~ misfortunes, should be loaded with *taxes*, to maintain countries, not only not useful, but hurtful to them. The support of *Canada* and *Florida* costs yearly, it is said, half a million sterling. From hence we may make some guess of the load that is to

be laid upon us ; for we are not only to “ defend,
 “ protect and secure” *them*, but also to make “ an
 “ adequate provision for defraying the charge of
 “ the administration of justice, and the support of
 “ civil government, in such provinces where it
 “ shall be found necessary.”

Not one of the provinces of *Canada*, *Nova-Scotia*, or *Florida*, has ever defrayed *these expences within itself*: and if the duties imposed by the last statute are collected, *all of them together*, according to the best information I can get, will not pay *one quarter as much as Pennsylvania alone*. So that the *British colonies* are to be drained of the rewards of their labour, to cherish the scorching sands of *Florida*, and the icy rocks of *Canada* and *Nova-Scotia*, which never will return to us one farthing that we send to them.

GREAT-BRITAIN—I mean, the ministry in *Great-Britain*, has cantoned *Canada* and *Florida* out into *five or six* governments, and may form *as many more*. There now are *fourteen or fifteen* regiments on this continent ; and there soon may be *as many more*. To make “ an adequate provision” for *all these expences*, is, no doubt, to be the *inburthenance* of the colonies.

CAN any man believe that the duties upon paper, &c. are the *last* that will be laid for these purposes? It is in vain to hope, that because it is imprudent to lay duties on the exportation of manufactures from a mother country to colonies, as it may promote manufactures among them, that this consideration will prevent such a measure.

AMBITIOUS artful men have made it popular, and whatever injustice or destruction will attend it in the opinion of the colonists, at home it will be thought just and salutary.*

THE people of *Great-Britain* will be told, and have been told, that *they* are sinking under an immense debt—that great part of this has been contracted in defending the colonies—that *these* are so ungrateful and undutiful, that they will not contribute one mite to its payment—nor even to the support of the army now kept up for their “defence and security,”—that they are rolling in wealth, and are of so bold and republican a spirit, that they are aiming at independence—that the only way to retain them in “obedience,” is to keep a strict watch over them, and to draw off part of their riches in *taxes*—and that every burden

* “So credulous as well as obstinate, are the people in believing every thing, which flatters their prevailing passion. HUME's *Hist. of England*.”

laid upon *them*, is taking off so much from *Great-Britain*.—These assertions will be generally believed, and the people will be persuaded that they cannot be too angry with their colonies, as that anger will be profitable to themselves.

IN truth, *Great-Britain* alone receives any benefit from *Canada*, *Nova-Scotia*, and *Florida*; and therefore she alone ought to maintain them. The old maxim of the law is drawn from reason and justice, and never could be more properly applied, than in this case.

Qui sentit commodum, sentire debet et onus.
They who feel the benefit, ought to feel the burden.

A FARMER.

L E T T E R IX.

MY DEAR COUNTRYMEN,

I HAVE made some observations on the *purposes* for which money is to be levied upon us by the late act of parliament. I shall now offer to your consideration some further reflections on that subject: and unless I am greatly mistaken, if these purposes are accomplished according to the *expressed* intention of the act, they will be found effectually to *supercede* that authority in our respective assemblies, which is essential to liberty. The question is not “whether some branches shall be “lopped off?”—The axe is laid to the root of the tree; and the whole body must infallibly perish, if we remain idle spectators of the work.

No free people ever existed, or can ever exist, without keeping, to use a common, but strong expression, “the purse strings,” in their own hands. Where this is the case, *they* have a *constitutional* check upon the administration, which may thereby be brought into order *without violence*: but where such a power is not lodged in the *people*, oppression proceeds uncontrouled in its career, till the go-

verned, transported into rage, seek redress in the midst of blood and confusion.

THE ingenious mr. *Hume*, speaking of the *Anglo-Norman* government, says—"princes and ministers were too ignorant, to be themselves sensible of the advantage attending an equitable administration, and there was no established council or assembly, which could protect the people, and by withdrawing supplies, regularly and peaceably admonish the king of his duty, and insure the execution of the laws."

THUS this great man, whose political reflections are so much admired, makes *this power* one of the foundations of liberty.

THE *English* history abounds with instances, proving that *this* is the proper and successful way to obtain redress of grievances.—How often have kings and ministers endeavoured to throw off this legal curb upon them, by attempting to raise money by a variety of inventions, under pretence of law, without having recourse to parliament? And how often have they been brought to reason, and peaceably obliged to do justice, by the exertion of this constitutional authority of the people, vested in their representatives?

THE inhabitants of these colonies have, on numberless occasions, reaped the benefit of this authority *lodged in their assemblies.*

IT has been for a long time, and now is, a constant instruction to all governors, to *obtain a PERMANENT support for the offices of government.* But as the author of the administration of the colonies says, "this order of the crown is generally, if not universally, rejected by the legislatures of the colonies."

THEY perfectly know *how much* their grievances would be regarded, if they had *no other* method of engaging attention, than by *complaining.* Those who rule, are extremely apt to think well of the constructions made by themselves in support of their own power. *These* are frequently erroneous, and pernicious to those they govern. Dry remonstrances, to shew that such constructions are wrong and oppressive, carry very little weight with them, in the opinion of persons who gratify their own inclinations in making these constructions. *They* CANNOT understand the reasoning that opposes *their* power and desires. But let it be made *their interest* to understand such reasoning——and a *wonderful light* is instantly thrown upon the matter; and then, rejected remonstrance becomes as clear as "proofs of holy writ.*"

* *Shakspeare.*

THE three most important articles that our assemblies, or any legislatures can provide for, are, first—the defence of the society; secondly—the administration of justice; and thirdly—the support of civil government.

Nothing can properly regulate the expence of making provision for these occasions, but the *necessities* of the society; its *abilities*; the *conveniency* of the modes of levying money in it; the *manner* in which the laws have been executed; and the *conduct* of the officers of government: *all which* are circumstances, that *cannot* possibly be properly known, but by the society itself; or if they should be known, *will not* probably be properly considered but by that society.


If money be raised upon us by *others*, without our consent, for our “defence,” those who are the judges in *levying* it, must also be the judges in *applying* it. Of consequence the money *said* to be taken from us for our defence, *may be employed* to our injury. We may be chained in by a line of fortifications—obliged to pay for the building and maintaining them—and be told, that they are for our defence. With what face can we dispute the fact, after having granted that those who *apply* the money, had a right to *levy* it? For surely, it is much easier for their wisdom to understand how to apply

it in the best manner, than how to levy it in the best manner. Besides, the *right of levying* is of infinitely more consequence, than *that of applying*. The people of *England*, who would burst out into fury, if the crown should attempt to *levy* money by its own authority, have always assigned to the crown the *application* of money.

As to the "administration of justice"—the judges ought, in a well regulated state, to be equally independent of the executive and legislative powers. Thus in *England*, judges hold their commissions from the crown "*during good behaviour*," and have salaries, suitable to their dignity, *settled* on them by parliament. The purity of the courts of law since this establishment, is a proof of the wisdom with which it was made.

BUT in these colonies, how fruitless has been every attempt to have the judges appointed "*during good behaviour*?" Yet whoever considers the matter, will soon perceive, that *such commissions* are beyond all comparison more necessary in these colonies, than they were in *England*.

THE chief danger to the subject *there*, arose from the arbitrary *designs of the crown*; but *here*, the time may come, when we may have to contend with the *designs of the crown, and of a mighty*



kingdom. What then must be our chance, when the laws of life and death are to be spoken by judges totally dependent on *that crown*, and *that kingdom*—sent over perhaps *from thence*—filled with *British prejudices*—and *backed by a* STANDING *army*—supported out of OUR OWN pockets, to “ assert and maintain” OUR OWN “ dependence “ and obedience.”

BUT supposing that through the extreme lenity that will prevail in the government *through all future ages*, these colonies will never behold any thing like the campaign of chief justice *Jeffreys*, yet what innumerable acts of injustice may be committed, and how fatally may the principles of liberty be sapped, by a succession of judges *utterly independent of the people*? Before such judges, the supple wretches, who cheerfully join in avowing sentiments inconsistent with freedom, will always meet with smiles; while the honest and brave men, who disdain to sacrifice their native land to their own advantage, but on every occasion boldly vindicate her cause, will constantly be regarded with frowns.

THERE are two other considerations relating to this head, that deserve the most serious attention.

By the late act, the officers of the customs are “ impowered to enter into any HOUSE, warehouse,

shop, cellar, or other place, in the *British* colonies or plantations in *America*, to search for or seize prohibited or unaccustomed goods," &c. on "writs granted by the superior or supreme court of justice, having jurisdiction within such colony or plantation respectively."

IF we only reflect, that the judges of these courts are to be *during pleasure*—that they are to have "*adequate provision*" made for them, which is to continue *during their complaisant behaviour*—that they may be *strangers* to these colonies—what an engine of oppression may this authority be in such hands?

I AM well aware that writs of this kind may be granted at home, under the seal of the court of exchequer: but I know also, that the greatest assertors of the rights of *Englishmen* have always strenuously contended, that *such a power* was dangerous to freedom, and expressly contrary to the common law, which ever regarded a man's *house* as his castle, or a place of perfect security.

IF such power was in the least degree dangerous *there*, it must be utterly destructive to liberty *here*. For the people there have two securities against the undue exercise of this power by the crown, which are wanting with us, if the late act

takes place. In the first place, if any injustice is done *there*, the person injured may bring his action against the offender, and have it tried before *independent judges*, who are* *no parties in committing the injury*. Here he must be tried before *dependent judges*, being the men *who granted the writ*.

To say, that the cause is to be tried by a jury, can never reconcile men who have any idea of freedom, to *such a power*. For we know that sheriffs in almost every colony on this continent, are totally dependent on the crown; and packing of juries has been frequently practised even in the capital of the *British* empire. Even if juries are well inclined, we have too many instances of the influence of over-bearing unjust judges upon them.—The brave and wise men who accomplished the revolution, thought the *independency of judges* essential to freedom.

THE other security which the people have at home, but which we shall want here, is this.

IF this power is abused *there*, the parliament, the grand resource of the oppressed people, is ready to afford relief. Redress of grievances must

* The writs for searching houses in *England*, are to be granted "under the seal of the court of exchequer," according to the statute—and that seal is kept by the chancellor of the exchequer. *4th Inst. page 104.*

precede grants of money. But what regard can *we* expect to have paid to our assemblies, when they will not hold even the puny privilege of *French* parliaments—that of registering, before they are put in execution, the edicts that take away our money.

THE second consideration above hinted at, is this. There is a *confusion* in our laws that is quite unknown in *Great-Britain*. As this cannot be described in a more clear or exact manner, than has been done by the ingenious author of the history of *New-York*, I beg leave to use his words. “ The state of our laws opens a door to much controversy. The *uncertainty* with respect to them, *renders property precarious, and greatly exposes us to the arbitrary decision of bad judges*. The common law of *England* is generally received, together with such statutes as were enacted before we had a legislature of our own ; but our courts *exercise a sovereign authority*, in determining *what parts of the common and statute law* ought to be extended : for it must be admitted, that the *difference of circumstances* necessarily requires us, in some cases, to *REJECT the determination of both*. In many instances, they have also extended even acts of parliament, passed since we had a distinct legislature, *which is greatly adding to our confusion*.—The practice of our courts is no less *uncertain* than the

law. Some of the *English* rules are adopted—others rejected. Two things therefore seem to be *absolutely necessary* for the *public security*. First, the passing an act for settling the extent of the *English* laws. Secondly, that the courts ordain a general set of rules for the regulation of the practice.”

How easy it will be, under this “state of our laws,” for an artful judge, to act in the most arbitrary manner, and yet cover his conduct under specious pretences; and how difficult it will be for the injured people to obtain relief, may be readily perceived. We may take a voyage of 3000 miles to complain; and after the trouble and hazard we have undergone, we may be told, that the collection of the revenue, and maintenance of the prerogative, must not be discouraged——and if the misbehaviour is so gross as to admit of no justification, it may be said, that it was an error in judgment only, arising from the confusion of our laws, and the zeal of the king’s servants to do their duty.

If the commissions of judges are *during the pleasure of the crown*, yet if their salaries are *during the pleasure of the people*, there will be *some check* upon their conduct.—Few men will consent to draw on themselves the hatred and contempt of

those among whom they live, for the empty honour of being judges.—It is the sordid love of gain, that tempts men to turn their backs on virtue, and pay their homage where they ought not.

As to the third particular, “the support of civil government,”—few words will be sufficient.—Every man of the least understanding must know, that the *executive* power may be exercised in a manner so disagreeable and harrassing to the people, that it is absolutely requisite, that *they* should be enabled by the gentlest method which human policy has yet been ingenious enough to invent, that is, *by shutting their hands*, to “ADMONISH” (as Mr. Hume says) certain persons “*of their duty.*”

WHAT shall we now think when, upon looking into the late act, we find the assemblies of these provinces thereby stript of their authority *on these several heads?* The *declared* intention of the act is, “that a revenue should be raised *in his majesty's DOMINIONS in America*, for making a more certain and adequate provision *for defraying the charge of the administration of justice, and the support of civil government* in such provinces where it shall be found necessary, and *towards further defraying the expences of defending, protecting and securing the SAID DOMINIONS.*

LET the reader pause here one moment—and reflect—whether the colony in which *he* lives, has not made such “certain and adequate provision” for these purposes, as is *by the colony judged suitable to its abilities, and all other circumstances*. Then let him reflect—whether if this act takes place, money is not to be raised on *that colony without its consent*, to make “provision” for *these purposes, which it does not judge to be suitable to its abilities, and all other circumstances*.—Lastly, let him reflect—whether the people of that country are not in a state of the most abject slavery, *whose property may be taken from them under the notion of right, when they have refused to give it*.

For my part, I think I have good reason for vindicating the honour of the assemblies on this continent, by publicly asserting, that *THEY have made as “certain and adequate provision” for the purposes above-mentioned, as they ought to have made*, and that it should not be presumed, that they will not do it hereafter. Why then should these most important trusts be wrested out of their hands?—Why should they not now be permitted to enjoy that authority, which they have exercised from the first settlement of these colonies? Why should they be scandalized by this innovation, when their respective provinces are now, and will be, for several years, labouring under loads of debt, impos-

ed on them for the very purpose now spoken of? Why should all the inhabitants of these colonies be, with the utmost indignity, treated as a herd of despicable stupid wretches, so utterly void of common sense, that they will not even make "adequate provision" for the "administration of justice, and the support of civil government" among them, or for their own "defence"—though without such "provision," every people must inevitably be overwhelmed with anarchy and destruction? Is it possible to form an idea of a slavery more *complete*, more *miserable*, more *disgraceful*, than that of a people, where *justice is administered*, *government exercised*, and a *standing army maintained*, at the *expence of the people*, and yet *without the least dependence upon them*? If we can find no relief from this infamous situation, it will be fortunate for us, if mr. *Grenville*, setting his fertile fancy again at work, can, as by one exertion of it he has stript us of our *property* and *liberty*, by another deprive us of so much of our *understanding*, that, unconscious of what we *have been* or *are*, and ungoaded by tormenting reflections, we may bow down our necks, with all the stupid serenity of servitude, to any drudgery, which our lords and masters shall please to command.

WHEN the charges of the "administration of justice," the "support of civil government,"

and the expences of “defending, protecting and “securing” us; are provided for, I should be glad to know, upon *what occasions* the crown will ever call our assemblies together. Some few of them may meet of their own accord, by virtue of their charters. But what will they have to do, when they are met? To what shadows will they be reduced? The men, whose deliberations heretofore had an influence on every matter relating to the *liberty and happiness* of themselves and their constituents, and whose authority in domestic affairs at least, might well be compared to that of *Roman* senators, will *now* find their deliberations of no more consequence, than those of *constables*. They may *perhaps* be allowed to make laws *for the yoking of hogs, or pounding of stray cattle*. Their influence will hardly be permitted to extend *so high*, as the *keeping roads in repair*, as *that business* may more properly be executed by those who receive the public cash.

ONE most memorable example in history is so applicable to the point now insisted on, that it will form a just conclusion of the observations that have been made:

SPAIN was once *free*. Their *cortes* resembled our parliaments. No *money* could be raised on the subject, *without their consent*. One of their kings

having received a grant from them to maintain a war against the *Moors*, desired, that if the sum which they had given, should not be sufficient, he might be allowed, *for that emergency only*, to raise more money *without assembling the cortes*. The request was violently opposed by the best and wisest men in the assembly. It was, however, complied with by the votes of a majority ; and this single concession was a *precedent* for other concessions of the like kind, until at last the crown obtained a general power of raising money, in cases of necessity. From that period the *cortes* ceased to be *useful*,—the *people* ceased to be *free*.

Venienti occurrere morbo.

Oppose a disease at its beginning.

A FARMER.

L E T T E R X.

MY DEAR COUNTRYMEN,

THE consequences, mentioned in the last letter, will not be the utmost limits of our *misery* and *infamy*, if the late act is acknowledged to be binding upon us. We feel too sensibly, that *any ministerial measures** relating to these colonies, are soon carried successfully through the parliament. Certain prejudices operate there so strongly against us, that it may be justly questioned, whether *all* the provinces united, will ever be able effectually, to call to an account before the parliament, any minister who shall abuse the power by the late act given to the crown in *America*. He may divide the spoils torn from us in what manner he pleases, *and we shall have no way of making him responsible*. If he should order, that every *governor* shall have a yearly salary of 5000l. sterling; every

* "The gentleman must not wonder he was not contradicted, when, as minister, he asserted the right of parliament to tax *America*. I know not how it is, but there is a *modesty* in this house, which does not choose to contradict a minister. I wish gentlemen would get the better of this *modesty*. If they do not, perhaps the collective body may begin to abate of its respect for the representative."

Mr. PITT's speech.

chief justice of 3000*l.* every inferior officer in proportion ; and should then reward the most profligate, ignorant, or needy dependents on himself or his friends, with places of the greatest trust, because they were of the greatest profit, this would be called an arrangement in consequence of the “ adequate provision for defraying the charge of the administration of justice, and the support of the civil government :” and if the taxes should prove at any time insufficient to answer all the expences of the numberless offices, which ministers may please to create, surely the members of the house of commons will be so “ *modest*,” as not to “ contradict a minister,” who shall tell them it is become necessary to lay a new tax upon the colonies, for the laudable purposes of defraying the charges of the “ administration of justice, and support of civil government” among them. Thus, in fact, we shall be taxed† by ministers. In short, it will be in their power to settle upon us any *civil, ecclesiastical* or *military* establishment which they choose.

† “ Within this act (*statute de tallagio non concedendo*) are all *new* offices erected with *new* fees, or *old* offices with *new* fees, for that is a tallage put upon the subject, which cannot be done without common assent by act of parliament. And this doth notably appear by a petition in parliament in anno 13, *Henry IV.* where the commons complain, that an office was erected for measurage of cloths and canvas, with a new fee for the same, by colour of the king’s letters patent, and pray that these letters patent may be revoked, for that the king could erect no offices with new fees to be taken of the people, who may not so be charged but by parliament.” *2d Inst. p. 553.*

WE may perceive, by the example of *Ireland*, how eager ministers are to seize upon any settled revenue, and apply it in supporting their own power. Happy are the men, and *happy the people who grow wise by the misfortunes of others*. Earnestly, my dear countrymen, do I beseech the Author of all good gifts, that you may grow wise in this manner; and if I may be allowed to take such a liberty, I beg leave to recommend to you in general, as the best method of attaining this wisdom, diligently to study the histories of other countries. You will there find all the arts, that can possibly be practised by cunning rulers, or false patriots among yourselves, so fully delineated, that, changing names, the account would serve for your own times.

It is pretty well known on this continent, that *Ireland* has, with a regular consistency of injustice, been cruelly treated by ministers in the article of *pensions*; but there are some alarming circumstances relating to that subject, which I wish to have better known among us.

†THE revenue of the crown there, arises principally from the excise granted “*for pay of the army*,

† An inquiry into the legality of pensions on the *Irish* establishment, by *Alexander M^r Aulay*, esq. one of the king's council, &c.

and defraying other PUBLIC charges, in defence and preservation of the kingdom”—from the tonnage and additional poundage granted “*for protecting the trade of the kingdom at sea, and augmenting the PUBLIC revenue*”—from the hearth money granted—as a “*PUBLIC revenue, for PUBLIC charges and expences.*” There are some other branches of the revenue, concerning which there is not any *express* appropriation of them for *PUBLIC service*, but which were plainly *so intended*.

Mr. *M'Auly* concludes his piece in the following beautiful manner. “If any pensions have been obtained on that establishment, *to serve the corrupt purposes of ambitious men.*—If his majesty's revenues of *Ireland* have been employed in pensions, *to debauch his majesty's subjects of both kingdoms.*—If the treasure of *Ireland* has been expended in pensions, *for corrupting men of that kingdom to betray their country; and men of the neighbouring kingdom, to betray both.*—If *Irish* pensions have been procured, *to support gamesters and gaming-houses; promoting a vice which threatens national ruin.*—If pensions have been purloined out of the national treasure of *Ireland*, under the mask of salaries annexed to public offices, *useless to the nation; newly invented for the purposes of corruption.*—If *Ireland*, just beginning to recover from the devastations of massacre and rebellion, be obstructed in the progress of her cure, *by swarms of pensionary vultures, preying on her vitals.*—If, by squandering the national substance of *Ireland*, in a licentious, unbounded profusion of pensions, instead of employing it in nourishing and improving her infant agriculture, trade and manufactures, or in enlightening and reforming her poor, ignorant, deluded, miserable natives (by nature most amiable, most valuable, most worthy of public attention)—If, by such abuse of the national substance, sloth and nastiness, cold and hunger, nakedness and wretchedness, popery, depopulation and barbarism, still maintain their ground; still deform a country, abounding with all the riches of nature, yet hitherto destined to beggary.—If such pensions be found on the *Irish* establishment; let such be cut off: and let the perfidious advisers be branded with indelible characters of public infamy; adequate, if possible, to the dishonour of their crime.”

OF *these* branches of the revenue, the crown is only *trustee* for the public. They are unalienable. They are inapplicable to any other purposes, but those for which they were established; and therefore are not *legally* chargeable with pensions.

THERE is another kind of revenue, which is a private revenue. This is not limited to any public uses; but the crown has the same property in it, that any person has in his estate. This does not amount, at the most, to *fifteen thousand pounds* a year, probably not to *seven*, and is the only revenue, that can be *legally* charged with pensions.

IF ministers were accustomed to regard the rights or happiness of the people, the pensions in *Ireland* would not exceed the sum just mentioned: but long since have they exceeded that limit; and in *December 1765*, a motion was made in the house of commons in that kingdom, to address his majesty on the great increase of pensions on the *Irish* establishment, amounting to the sum of 158,685*l.* in the last two years.

ATTEMPTS have been made to gloss over these gross encroachments, by this specious argument — “ That expending a competent part of the *public* “ *revenue* in pensions, from a principle of charity “ or generosity, adds to the dignity of the crown;

“ and is *therefore* useful to the *public*.” To give this argument any weight, it must appear, that the pensions proceed from “*charity* or *generosity* only”—and that it “adds to the dignity of the crown,” to act directly contrary to law.—

FROM this conduct towards *Ireland*, in open violation of law, we may easily foresee what *we* may expect, when a minister will have the *whole revenue* of *America* in his own hands, to be disposed of at his own pleasure; for *all* the monies raised by the late act are to be “*applied* by virtue of warrants “ under the sign manuel, countersigned by the “ high treasurer, or any three of the commissioners “ of the treasury.” The RESIDUE indeed is to be “ paid into the receipt of the exchequer, and to be “ disposed of by parliament.” So that a minister will have nothing to do, but to take care, that there shall be no *residue*, and he is superior to all controul.

BESIDES the burden of *pensions* in *Ireland*, which have enormously increased within these few years, almost all the *offices* in that poor kingdom, have been, since the commencement of the present century, and now are bestowed upon *strangers*. For though the merit of persons born there, justly raises them to places of high trust when they go abroad, as all *Europe* can witness, yet he is an uncommon-

ly lucky *Irishman*, who can get a good post in *his* NATIVE country.

WHEN I consider the manner† in which that island has been uniformly depressed for so many

† In *Charles the second's* time, the house of commons, influenced by some factious demagogues, were resolved to prohibit the importation of *Irish* cattle into *England*. Among other arguments in favour of *Ireland*, it was insisted—"That by cutting off almost entirely the trade between the kingdoms, *all the natural bands of union were dissolved*, and nothing remained to keep the *Irish* in their duty, but force and violence."

"The king (says *mr. Hume*, in his history of *England*) was so convinced of the justness of these reasons, that he used all his interest to oppose the bill, and he openly declared, that he could not give his assent to it with a safe conscience. But the commons were resolute in their purpose."—"And the spirit of tyranny, of which nations are as susceptible as individuals, had animated the *English* extremely to exert their superiority over their dependent state. No affair could be conducted with greater violence than this by the commons. They even went so far in the preamble of the bill, as to declare the importation of *Irish* cattle to be a nuisance. By this expression, they gave scope to their passion, and at the same time barred the king's prerogative, by which he might think himself intitled to dispense with a law, so full of injustice and bad policy. The lords expunged the word, but as the king was sensible that no supply would be given by the commons, unless they were gratified in all their prejudices, he was obliged both to employ his interest with the peers, to make the bill pass, and to give the royal assent to it. He could not, however, forbear expressing his displeasure, at the jealousy entertained against him, and at the intention which the commons discovered, of retrenching his prerogative.

This law brought great distress for some time upon *Ireland*, but it has occasioned their applying with greater industry to manufactures, and has proved in the issue beneficial to that kingdom."

Perhaps the same reason occasioned the "barring the king's prerogative" in the late act suspending the legislation of *New-York*.

years past, with this pernicious particularity of *their parliament** continuing as long as the crown pleases, I am astonished to observe *such a love of liberty* still animating that *loyal and generous nation*, and nothing can raise higher my idea of the *integrity and public spirit*† of a people, who have

This we may be assured of, that *we* are as dear to his majesty, as the people of *Great-Britain* are. *We* are his subjects as well as they, and as faithful subjects; and his majesty has given too many, too constant proofs of his piety and virtue, for any man to think it possible, that *such a prince* can make any unjust distinction between *such subjects*. It makes no difference to his majesty, whether supplies are raised in *Great-Britain*, or *America*; but it makes *some* difference to the commons of that kingdom.

To speak plainly, as becomes an honest man on such important occasions, all our misfortunes are owing to a *lust of power* in men of abilities and influence. This prompts them to seek *popularity* by *expedients* profitable to themselves, though ever so destructive to their country.

“Such is the accursed nature of lawless ambition, and yet—what heart but melts at the thought!—Such false, detestable *patriots*, in *every state*, have led their blind, confiding country, shouting their applauses, into the jaws of *shame and ruin*. May the wisdom and goodness of the people of *Great-Britain*, save them from the usual fate of nations.

“———*mentem mortalia tangunt.*”

* The last *Irish* parliament continued thirty-three years, during all the late king's reign. The present parliament there has continued from the beginning of this reign, and probably will continue till this reign ends.

† I am informed, that within these few years, a petition was presented to the house of commons, setting forth “that herrings were imported into *Ireland* from some foreign parts of the north so cheap, as to discourage the *British* herring fishery, and therefore praying that some remedy might be applied in that behalf by parliament.”

preserved the sacred fire of freedom from being extinguished, though the altar on which it burnt, has been overturned.

IN the same manner shall we unquestionably be treated, as soon as the late taxes laid upon us, shall make posts in the "government," and the "administration of justice" *here* worth the attention of persons of influence in *Great-Britain*. We know enough already to satisfy us of this truth. But this will not be the worst part of our case.

THE *principals*, in all great offices, will reside in *England*, making some paltry allowance to deputies for doing the business *here*.——Let any man

That upon this petition, the house came to a resolution, to impose a duty of two shillings sterling on every barrel of foreign herrings imported into *Ireland*; but afterwards dropt the affair, *for fear of engaging in a dispute with Ireland about the right of TAXING her*.

So much higher was the opinion, which the house entertained of the spirit of *Ireland*, than of that of these colonies.

I find, in the last *English* papers, that the resolution and firmness with which the people of *Ireland* have lately asserted their freedom, have been so alarming in *Great-Britain*, that the lord lieutenant, in his speech on the 20th of last *October*, "recommended to that parliament, that such provision may be made for securing the judges in the enjoyment of their *offices* and *appointments*, during their good behaviour, as shall be thought most expedient."

What an important concession is thus obtained, by making demands becoming freemen, with a courage and perseverance becoming freemen !

consider what an exhausting drain this must be upon us, when ministers are possessed of the power of creating what posts they please, and of affixing to such posts what salaries they please, and he must be convinced how destructive the late act will be. The injured kingdom lately mentioned, can tell us the mischiefs of *absentees*; and we may perceive already the same disposition taking place with us. The government of *New-York* has been exercised by a deputy. That of *Virginia* is now held so; and we know of a number of secretaryships, collectorships, and other offices, held in the same manner.

TRUE it is, that if the people of *Great-Britain* were not too much blinded by the passions, that have been artfully excited in their breasts, against their dutiful children, the colonists, these considerations would be nearly as alarming to them as to us. The influence of the crown was thought by wise men, many years ago, too great, by reason of the multitude of pensions and places bestowed by it. These have been vastly increased since,†

† One of the reasons urged by that great and honest statesman, sir *William Temple*, to *Charles the second*, in his famous remonstrance, to dissuade him from aiming at arbitrary power, was, that the king "had few offices to bestow."
HUME's *History of England*.

"Though the wings of prerogative have been clipt, the influence of the crown is greater than ever it was in any period of our history. For when we

and perhaps it would be no difficult matter to prove that the people have decreased.

SURELY therefore, those who wish the welfare of their country, ought seriously to reflect, what may be the consequence of such a new creation of offices, in the disposal of the crown. The *army*, the *administration of justice*, and the *civil government* here, with such salaries as the crown shall please to annex, will extend *ministerial influence* as much beyond its former bounds, as the late war did the *British* dominions.

consider in how many boroughs the government has the votes at command; when we consider the vast body of persons employed in the collection of the revenue, in every part of the kingdom, the inconceivable number of placemen, and candidates for places in the customs, in the excise, in the post-office, in the dock-yards, in the ordnance, in the salt-office, in the stamps, in the navy and victualling offices, and in a variety of other departments; when we consider again the extensive influence of the money corporations, subscription jobbers and contractors, the endless dependencies created by the obligations conferred on the bulk of the gentlemen's families throughout the kingdom, who have relations preferred in our navy and numerous standing army; when I say, we consider how wide, how binding a dependence on the crown is created by the above enumerated particulars, and the great, the enormous weight and influence which the crown derives from this extensive dependence, upon its favour and power, any lord in waiting, any lord of the bedchamber, any man may be appointed minister."

A doctrine to this effect is said to have been the advice of L—— H——.

Late newspaper.

BUT whatever the people of *Great-Britain* may think on this occasion, I hope the people of these colonies will unanimously join in this sentiment, that the late act of parliament is injurious to their liberty, and that this sentiment will unite them in a firm opposition to it, in the same manner as the dread of the *stamp-act* did.

SOME persons may imagine the sums to be raised by it, are but small, and therefore may be inclined to acquiesce under it. A conduct more dangerous to freedom, as before has been observed, can never be adopted. Nothing is wanted at home, but a *precedent*,† the force of which shall be established, by the tacit submission of the colonies.—With what zeal was the statute erecting the post-office, and another relating to the recovery of debts in *America*, urged and tortured, as *precedents* in support of the *stamp-act*, though wholly inapplicable. If the parliament succeeds in this attempt, other statutes will impose other duties. Instead of tax-

† “ Here may be observed, than when any ancient law or custom of parliament is broken, and the crown possessed of a *precedent*, how difficult a thing it is to restore the subject again to his former freedom and safety.”

2d Coke's *Inst.* page 529.

“ It is not almost credible to foresee, when any maxim or fundamental law of this realm is altered (as elsewhere hath been observed) what dangerous inconveniences do follow.”

4th Coke's *Inst.* page 41.

ing ourselves, as we have been accustomed to do, from the first settlement of these provinces, all our usual taxes will be converted into parliamentary taxes on our importations; and thus the parliament will levy upon us such sums of money as they choose to take, *without any other limitation than their pleasure.*

WE know how much labour and care have been bestowed by these colonies, in laying taxes in such a manner, that they should be most *easy* to the people, by being laid on the proper articles; most *equal*, by being proportioned to every man's circumstances; and *cheapest*, by the method directed for collecting them.

BUT *parliamentary taxes* will be laid on us, without any consideration, whether there is any *easier* mode. The *only point* regarded will be, the *certainty of levying the taxes*, and not the *convenience* of the people on whom they are to be levied; and therefore all statutes on this head will be such as will be most likely, according to the favourite phrase, "*to execute themselves.*"

TAXES in every free state have been, and ought to be, as exactly *proportioned as is possible to the abilities of those who are to pay them.* They cannot otherwise be *just.* Even a *battentot* would

comprehend the *unreasonableness* of making a poor man pay as much for “defending” the property of a rich man, as the rich man pays himself.

LET any person look into the late act of parliament, and he will immediately perceive, that the immense estates of lord *Fairfax*, lord *Baltimore*,* and our *proprietaries*, which are amongst his majesty’s other DOMINIONS to be “defended, protected and secured” by the act, will not pay a single farthing for the duties thereby imposed, except lord *Fairfax* wants some of his windows glazed; lord *Baltimore* and our *proprietaries* are quite secure, as they live in *England*.

I MENTION these particular cases, as striking instances how far the late act is a deviation from *that principle of justice*, which has so constantly distinguished our own laws on this continent, and ought to be regarded in all laws.

THE third consideration with our continental assemblies in laying taxes, has been the *method* of collecting them. This has been done by a few

* *Maryland* and *Pennsylvania* have been engaged in the warmest disputes, in order to obtain an equal and just taxation of their proprietors estates: but this late act of parliament does more for those proprietors, than they themselves would venture to demand. It *totally exempts* them from taxation—though their vast estates are to be “secured” by the taxes of other people.

officers, with moderate allowances, under the inspection of the respective assemblies. No more was raised from the subject, than was used for the intended purposes. But by the late act, a minister may appoint *as many officers as he pleases* for collecting the taxes; may assign them *what salaries he thinks* "adequate;" and they are subject to *no inspection but his own*.

IN short, if the late act of parliament takes effect, these colonies must dwindle down into "*common corporations*," as their enemies, in the debates concerning the repeal of the *stamp act*, *strenuously insisted they were*; and it seems not improbable that some future historian may thus record our fall.

"THE eighth year of this reign was distinguished by a *very memorable event*, the *American* colonies then submitting, for the *FIRST* time, to be *taxed* by the *British* parliament. An attempt of this kind had been made about two years before, but was defeated by the vigorous exertions of the several provinces, in defence of their liberties. Their behaviour on that occasion rendered their name very celebrated *for a short time* all over *Europe*; all states being extremely attentive to a dispute between *Great-Britain*, and so considerable a part of her dominions. For as she was thought to be grown too powerful, by the successful conclusion

of the late war she had been engaged in, it was hoped, by many, that as it had happened before to other kingdoms, civil discords would afford opportunities of revenging all the injuries supposed to be received from her. However, the cause of dissension was removed, by a repeal of the statute that had given offence.—This affair rendered the *submissive conduct* of the colonies so soon after, the more extraordinary; there being *no difference* between the mode of taxation which they opposed, and that to which they submitted, but this, that by the first, they were to be continually *reminded* that they *were taxed* by certain marks *stamped* on every piece of paper or parchment they used. The authors of *that statute* triumphed greatly on this conduct of the colonies, and insisted, that if the people of *Great-Britain* had persisted in enforcing it, the *Americans* would have been, in a few months, *so fatigued with the efforts of patriotism*, that they would have yielded obedience.

“ CERTAIN it is, that though they had before
 “ their eyes *so many illustrious examples* in their
 “ mother country, of the *constant success* attending
 “ *firmness* and *perseverance*, in opposition to dan-
 “ gerous encroachments on liberty, yet they quiet-
 “ ly gave up a point of the “ *last importance*.”
 From thence the decline of their freedom began,

and its decay was extremely rapid; for as *money* was always raised upon them by the parliament, their *assemblies* grew immediately *useless*, and in a short time *contemptible*: and in less than one hundred years, the people sunk down into that *tameness* and *supineness* of spirit, by which they still continue to be distinguished."

Et majores vestros & posteros cogitate.

Think of your ancestors and your posterity.

A FARMER.

L E T T E R X I.

MY DEAR COUNTRYMEN,

I HAVE several times, in the course of these letters, mentioned the late act of parliament, as being the *foundation* of future measures injurious to these colonies; and the belief of this truth I wish to prevail, because I think it necessary to our safety.

A PERPETUAL *jealousy*, respecting liberty, is absolutely, requisite in all free states. The very texture of their constitution, in *mixt* governments, demands it. For the *cautions* with which power is *distributed* among the several orders, *imply* that *each* has that share which is proper for the general welfare, and therefore that any further acquisition must be pernicious. *Machiavel** employs a whole chapter in his discourses, to prove that a state, to be long-lived, must be frequently corrected, and reduced to its first principles. But of all states that have existed, there never was any, in which this jealousy could be more proper than in these colonies. For the government here is not only *mixt*, but *dependent*, which circumstance occa-

* *Machiavel's discourses*—book 3. chap. 1.

sions *a peculiarity in its form*, of a very delicate nature.

Two reasons induce me to desire, that this spirit of apprehension may be always kept up among us, in its utmost vigilance. The first is this—that as the happiness of these provinces indubitably consists in their connection with *Great-Britain*, any separation between them is less likely to be occasioned by civil discords, if every disgusting measure is opposed *singly*, and *while it is new*: for in this manner of proceeding, every such measure is most likely to be rectified.—On the other hand, oppressions and dissatisfactions being permitted to accumulate—*if ever* the governed throw off the load, *they will do more*. A people does not reform with moderation. The rights of the subject therefore cannot be *too often* considered, explained or asserted: and whoever attempts to do this, shews himself, whatever may be the rash and peevish reflections of pretended wisdom, and pretended duty, a friend to *those* who injudiciously exercise their power, as well as to *them*, over whom it is so exercised.

HAD all the points of prerogative claimed by *Charles* the first, been separately contested and settled in preceding reigns, his fate would in all pro-

bability have been very different; and the people would have been content with that liberty which is compatible with regal authority. But† he thought, it would be as dangerous for him to give up the powers which at any time had been by usurpation exercised by the crown, as those that were legally vested in it. This produced an equal excess on the part of the people. For when their passions were excited by *multiplied* grievances, they thought it would be as dangerous for them to allow the powers that were legally vested in the crown, as those which at any time had been by usurpation exercised by it. Acts, that might *by themselves* have been upon many considerations excused or extenuated, derived a contagious malignancy and odium from other acts, with which they were connected. They were not regarded according to the simple force of each, but as parts of a system of oppression. Every one therefore, however small in itself, became alarming, as an additional evidence of tyrannical designs. It was in vain for prudent and moderate men to insist, that there was no ne-

† The author is sensible that this is putting the gentlest construction on *Charles's* conduct; and that is one reason why he chooses it. Allowances ought to be made for the errors of those men, who are acknowledged to have been possessed of many virtues. The education of this unhappy prince, and his confidence in men not so good or wise as himself, had probably *filled* him with mistaken notions of his own authority, and of the consequences that would attend concessions of any kind to a people, who were represented to him, as aiming at too much power.

cessity to abolish royalty. Nothing less than the utter destruction of monarchy, could satisfy those who *bad* suffered, and thought they had reason to believe, they always *should* suffer under it.

THE consequences of these mutual distrusts are well known: but there is no other people mentioned in history, that I recollect, who have been so constantly watchful of their liberty, and so successful in their struggles for it, as the *English*. This consideration leads me to the second reason, why I “ desire that the spirit of apprehension may be “ always kept up among us in its utmost vigilance.”

THE first principles of government are to be looked for in human nature.—Some of the best writers have asserted, and it seems with good reason, that “ government is founded on * *opinion*.”

* *Opinion is of two kinds, viz. opinion of INTEREST, and opinion of RIGHT. By opinion of interest, I chiefly understand, the sense of the public advantage which is reaped from government; together with the persuasion, that the particular government which is established, is equally advantageous with any other, that could be easily settled.*

“ *Right is of two kinds, right to power, and right to property. What prevalence opinion of the first kind has over mankind, may easily be understood, by observing the attachment which all nations have to their ancient government, and even to those names which have had the sanction of antiquity. Antiquity always begets the opinion of right.*”—“ It is sufficiently understood, that the opinion of right to property, is of the greatest moment in all matters of government.”

HUME'S *Essays*.

CUSTOM undoubtedly has a mighty force in producing *opinion*, and reigns in nothing more arbitrarily than in public affairs. It gradually reconciles us to objects even of dread and detestation; and I cannot but think these lines of mr. *Pope*, as applicable to vice in *politics*, as to vice in *ethics*.

“ Vice is a monster of so horrid mien,
 “ As to be hated, needs but to be seen ;
 “ Yet *seen too oft*, familiar with her face, .
 “ We first *endure*, then *pity*, then *embrace*.”

When an act injurious to freedom has been *once* done, and the people *bear* it, the *repetition* of it is most likely to meet with *submission*. For as the *mischief* of the one was found to be tolerable, they will hope that of the second will prove so too ; and they will not regard the *infamy* of the last, because they are stained with that of the first.

INDEED nations, in general, are not apt to *think* until they *feel* ; and therefore nations in general have lost their liberty : for as violations of the rights of the *governed*, are commonly not only † *specious*, but *small* at the beginning, they spread over the multitude in such a manner, as to touch indivi-

† Omnia mala exempla ex bonis initiis orta sunt.

SALLUST, *Bell. Cat.* 8. 50.

duals but slightly. † Thus they are disregarded. The power or profit that arises from these violations *centering in few persons*, is to them considerable. For this reason the *governors* having in view their particular purposes, successively preserve an uniformity of conduct for attaining them. They regularly increase the first injuries, till at length the inattentive people are compelled to perceive the heaviness of their burthens.—They begin to complain and inquire—but too late. They find their oppressors so strengthened by success, and themselves so entangled in examples of express authority on the part of their rulers, and of tacit recognition on their own part, that they are quite confounded : for millions entertain no other idea of the *legality* of power, than that it is founded on the *exercise* of power. They voluntarily fasten their chains, by adopting a pusillanimous *opinion*,

† “ The *republic* is always attacked with greater vigour, than it is defended : for the *audacious* and *profligate*, prompted by their natural enmity to it, are easily impelled to act by the *least nod* of their leaders : whereas the *HONEST*, I know not why, are generally *slow* and *unwilling* to stir ; and neglecting always the *BEGINNINGS* of things, are never roused to exert themselves, but by the *last necessity* : so that through *IRRESOLUTION* and *DELAY*, when they would be glad to compound at last for their *QUIET*, at the expence even of their *HONOUR*, they commonly lose them BOTH.” CICERO’s *Orat. for SEXTIUS*.

Such were the sentiments of this great and excellent man, whose vast abilities, and the calamities of his country during his time, enabled him, by mournful experience, to form a just judgment on the conduct of the friends and enemies of liberty.

“ that there will be too much *danger* in attempting
 “ a remedy,”——or another *opinion* no less fatal,
 ——“ that the government has a *right* to treat
 “ them as it does.” They then seek a wretched
 relief for their minds, by persuading themselves,
 that to yield their *obedience*, is to discharge their
duty. The deplorable *poverty of spirit*, that pros-
 trates all the dignity bestowed by Divine Provi-
 dence on our nature——*of course succeeds*.

FROM these reflections I conclude, that every free
 state should incessantly watch, and instantly take
 alarm on any addition being made to the power
 exercised over them. Innumerable instances might
 be produced to shew, from what slight beginnings
 the most extensive consequences have flowed : but
 I shall select two only from the history of *England*.

HENRY the seventh was the *first* monarch of that
 kingdom, who established a *standing body of arm-
 ed men*. This was a band of *fifty* archers, called
 yeomen of the guard : and this institution, not-
 withstanding the smallness of the number, was, to
 prevent discontent, † “ disguised under pretence of
 “ majesty and grandeur.” In 1684 the standing
 forces were so much augmented, that *Rapin* says
 ——“ The king, in order to make his people *fully*
 “ sensible of their new slavery, affected to muster

† See *the History of England*.

“ his troops, which amounted to 4000 well armed
 “ and disciplined men.”——I think our army, at
 this time, consists of more than *seventy* regiments.

THE method of taxing by EXCISE was first introduced amidst the convulsions of the civil wars. Extreme necessity was pretended for it, and its short continuance promised. After the restoration, an excise upon *beer, ale and other liquors*, was granted to the † king, one half in fee, the other for life, as an equivalent for the *court of wards*. Upon *James* the second's accession, the parliament ‡ gave him the first *excise*, with an additional duty on *wine, tobacco*, and some *other* things. Since the revolution, it has been extended to salt, candles, leather, hides, hops, soap, paper, pasteboards, millboards, scaleboards, vellum, parchment, starch, silks, calicoes, linens, stuffs, printed, stained, &c. wire, wrought plate, coffee, tea, chocolate, &c.

THUS a *standing army* and *excise* have, from their first slender origins, though always *bated*, always *feared*, always *opposed*, at length swelled up to their vast present bulk.

THESE facts are sufficient to support what I have said. 'Tis true, that all the mischiefs apprehended

† 12 *Char.* II. chap. 23 and 24.

‡ 1 *James* II. chap. 1 and 4.

by our ancestors, from a *standing army* and *excise*, have not yet happened: but it does not follow from thence, that they *will not happen*. The inside of a house may catch fire, and the most valuable apartments be ruined, before the flames burst out.—The question in these cases is not, what evil *has actually attended* particular measures—but what evil, in the nature of things, *is likely to attend* them. Certain circumstances may for some time delay effects, that *were reasonably expected*, and that *must ensue*. There was a long period, after the *Romans* had prorogued his command to † *Q. Publius Philo*, before *that example* destroyed their liberty. All our kings, from the revolution to the present reign, have been *foreigners*. Their *ministers* generally continued but a short time in authority; ‡ and they themselves were *mild* and *virtuous* princes.

† In the year of the city 428, “Duo singularia hæc ei viro primum contigere; prorogatio imperii non ante in ullo facta, et acto honore triumphus.”

LIV. B. 8. chap. 23. 26.

“Had the rest of the *Roman* citizens imitated the example of *L. Quintius*, who refused to have his consulship continued to him, they had never admitted that custom of proroguing of magistrates, and then the prolongation of their commands in the army had never been introduced, *which very thing was at length the ruin of that commonwealth*.”

MACHIAVEL'S *Discourses*, B. 3. chap. 24.

‡ I don't know but it may be said, with a good deal of reason, that a quick rotation of ministers is very desirable in *Great-Britain*. A minister there has

A BOLD, *ambitious* prince, possessed of *great abilities*, firmly *fixed* in his throne by *descent*, served by *ministers like himself*, and rendered either *venerable* or *terrible*, by the *glory of his successes*, may execute what his predecessors did not dare to attempt. *Henry* the fourth tottered in his seat during his whole reign. *Henry* the fifth drew the strength of that kingdom into *France*, to carry on his wars there, and left the *commons* at home, *protesting*, “that the people were not bound to serve out of the realm.”

It is true, that a strong spirit of liberty subsists at present in *Great-Britain*; but what reliance is to be placed in the *temper* of a people, when the prince is possessed of an unconstitutional power, our own history can sufficiently inform us. When *Charles* the second had strengthened himself by the return of the garrison of *Tangier, England* (says *Rapin*) saw on a sudden an *amazing revolution*; saw herself *stripped of all her rights and privileges*, excepting such as the king should vouchsafe to grant her: and what is *more astonishing*, the *English*, themselves, *delivered up* these very rights and privileges to *Charles* the second, which they

a vast store of materials to work with. *Long administrations* are rather favourable to the *reputation* of a people abroad, than to their *liberty*.

had so *passionately*, and, if I may say it, *furiously* defended against the designs of *Charles* the first." This happened only *thirty-six* years after this last prince had been beheaded.

SOME persons are of opinion, that liberty is not violated, but by such *open* acts of force ; but they seem to be greatly mistaken. I could mention a period within these forty years, when almost as great a change of disposition was produced by the *secret* measures of a LONG administration, as by *Charles's* violence. Liberty, perhaps, is never exposed to so much danger, as when the people believe there is the least ; for it may be subverted, and yet they not think so.

PUBLIC disgusting acts are seldom practised by the ambitious, at the beginning of their designs. Such conduct *silences* and *discourages* the weak, and the wicked, who would otherwise have been their *advocates* or *accomplices*. It is of great consequence, to allow those who, upon any account, are inclined to favour them, something specious to *say* in their defence. Their power may be fully established, though it would not be safe for them to do *whatever they please*. For there are things, which, at some times, even *slaves* will not bear. *Julius Cæsar*, and *Oliver Cromwell*, did not dare to assume the title of *King*. The *Grand Seigneur*

dares not lay a *new tax*. The king of *France* dares not be a *protestant*. Certain popular points may be left untouched, and yet freedom be extinguished. The commonalty of *Venice* imagine themselves free, because they are permitted to do what they ought not. But I quit a subject that would lead me too far from my purpose.

By the late act of parliament, taxes are to be levied upon us, for “defraying the charge of the *administration of justice*—the support of *civil government*—and the expences of *defending* his majesty’s dominions in *America*.”

If any man doubts what ought to be the conduct of these colonies on this occasion, I would ask him these questions.

HAs not the parliament *expressly avowed* their intention of raising money from us *for certain purposes*? Is not this scheme *popular* in *Great-Britain*? Will the taxes, imposed by the late act, *answer those purposes*? If it will, must it not take an *immense sum* from us? If it will not, *is it to be expected*, that the parliament will not *fully execute* their intention when it is *pleasing at home*, and not *opposed here*? Must not this be done by imposing *new taxes*? Will not every addition, thus made to our taxes, be an addition to the power of the *British*

legislature, *by increasing the number of officers employed in the collection ? Will not every additional tax therefore render it more difficult to abrogate any of them ? When a branch of revenue is once established, does it not appear to many people invidious and undutiful, to attempt to abolish it ? If taxes, sufficient to accomplish the intention of the parliament, are imposed by the parliament, what taxes will remain to be imposed by our assemblies ? If no material taxes remain to be imposed by them, what must become of them, and the people they represent ?*

† “ If any person considers these things, and yet thinks our liberties are in no danger, I wonder at that person’s security.”

ONE other argument is to be added, which, by itself, I hope, will be sufficient to convince the most incredulous man on this continent, that the late act of parliament is *only* designed to be a *precedent*, whereon the future vassalage of these colonies may be established.

EVERY duty thereby laid on articles of *British* manufacture, is laid on some commodity, upon the exportation of which from *Great-Britain*, a *drawback* is payable. Those *drawbacks*, in most of the articles, are *exactly double* to the *duties* given by

† Demosthenes’s 2d Philippic.

the late act. The parliament therefore might, in *half a dozen lines*, have raised *much more money*, only by *stopping the drawbacks* in the hands of the officers at home, on exportation to these colonies, than by this solemn imposition of taxes upon us, to be collected here. Probably, the artful contrivers of this act formed it in this manner, in order to reserve to themselves, in case of any objections being made to it, this specious pretence—"that the drawbacks are gifts to the colonies, and that the late act only lessens those gifts." But the truth is, that the drawbacks are intended for the encouragement and promotion of *British* manufactures and commerce, and are allowed on exportation to *any foreign parts*, as well as on exportation to these provinces. Besides, care has been taken to slide into the act, some articles on which there are no drawbacks. However, the *whole duties* laid by the late act on *all* the articles therein specified are *so small*, that they will not amount to *as much* as the *drawbacks* which are allowed on *part* of them only. If therefore, *the sum to be obtained by the late act*, had been the *sole object* in forming it, there would not have been any occasion for "the commons of Great-Britain, to give and grant to his majesty rates and duties for raising a revenue in his majesty's dominions in America, for making a more certain and adequate provision for defraying the charges of the administration of justice, the

support of civil government, and the expence of defending the said dominions ;"—nor would there have been any occasion for an † expensive board of commissioners, and all the other new charges to which we are made liable.

UPON the whole, for my part, I regard the late act as an *experiment made of our disposition*. It is a bird sent out over the waters, to discover, whether the waves, that lately agitated this part of the world with such violence, are yet *subsided*.—If *this adventurer* gets footing here, we shall quickly find it to be of the ‡ kind described by the poet.—

"*Infelix vates*"

A direful foreteller of future calamities.

A FARMER.

† The expence of this board, I am informed, is between four and five thousand pounds sterling a year. The establishment of officers, for collecting the revenue in *America*, amounted before to seven thousand six hundred pounds *per annum* ; and yet, says the author of "the regulation of the colonies," "the whole remittance from *all* the taxes in the colonies, at an average of *thirty years*, has not amounted to one thousand nine hundred pounds a year, and in that sum seven or eight hundred pounds *per annum* only, have been remitted from *North-America*.

The smallness of the revenue arising from the duties in *America*, demonstrates that they were intended only as *regulations of trade* : and can any person be so blind to truth, so dull of apprehension in a matter of unspeakable importance to his country, as to imagine, that the board of commissioners lately established at such a charge, is instituted to assist in collecting one thousand nine hundred pounds a year, or the trifling duties imposed by the late act ? Surely every man on this continent must perceive, that they are established for the care of a *new system of revenue*, which is but now begun.

‡ "*Dira cælæno*," &c. *Virgil, Æneid 3*.

L E T T E R XII.

MY DEAR COUNTRYMEN,

SOME states have lost their liberty, by *particular accidents* : but this calamity is generally owing to the *decay of virtue*. A *people* is travelling fast to destruction, when *individuals* consider *their* interests as distinct from *those of the public*. Such notions are fatal to their country, and to themselves. Yet how many are there, so *weak* and *sordid* as to *think* they perform *all the offices of life*, if they earnestly endeavour to increase their own *wealth*, *power*, and *credit*, without the least regard for the society, under the protection of which they live ; who if they can make an *immediate profit to themselves*, by lending their assistance to those, whose projects plainly tend to the injury of their country, rejoice in their *dexterity*, and believe themselves intitled to the character of *able politicians*. Miserable men ! Of whom it is hard to say, whether they ought to be most the objects of *pity* or *contempt*. But whose opinions are certainly as *detestable*, as their practices are *destructive*.

THOUGH I always reflect, with a high pleasure, on the integrity and understanding of my country-

men, which, joined with a pure and humble devotion to the great and gracious Author of every blessing they enjoy, will, I hope, insure to them, and their posterity, all temporal and eternal happiness ; yet when I consider, that in every age and country there have been bad men, my heart, at this threatening period, is so full of apprehension, as not to permit me to believe, but that there may be some on this continent, *against whom you ought to be upon your guard*—men, who either† hold, or expect to hold certain advantages, by setting exam-

† It is not intended, by these words, to throw any reflection upon gentlemen because they are possessed of offices : for many of them are certainly men of virtue, and lovers of their country. But supposed obligations of *gratitude*, and *honour*, may induce them to be silent. Whether these obligations *ought to be* regarded or not, is not so much to be considered by others, in the judgment they form of these gentlemen, as whether *they think* they ought to be regarded. Perhaps, therefore, we shall act in the properest manner towards them, if we neither *reproach* nor *imitate* them. The persons meant in this letter, are the *base spirited wretches*, who may endeavour to *distinguish themselves*, by their sordid zeal in defending and promoting measures, which *they know, beyond all question*, to be *destructive* to the *just rights* and *true interests* of their country. It is scarcely possible to speak of *these men* with any degree of *patience*—it is scarcely possible to speak of them with any degree of *propriety*—for no words can truly describe their *guilt* and *meanness*—but every honest bosom, on their being mentioned, will *feel* what cannot be *expressed*.

If their wickedness did not blind them, they might perceive along the coast of these colonies, many men, remarkable instances of wrecked ambition, who, after *distinguishing themselves* in the support of the *stamp-act*, by a courageous contempt of their country, and of justice, have been left to linger out their miserable existence, without a government, collectorship, secretaryship, or any other commission, to console them *as well as it could*, for loss of virtue and reputation—while numberless offices have been bestowed in these colonies on

opinions. Let us, with a truly wise *generosity* and *charity*, banish and discourage all *illiberal distinctions*, which may arise from differences in *situation*, forms of *government*, or modes of *religion*. Let us consider ourselves as *men—freemen—christian freemen—separated from the rest of the world*, and firmly bound together by the *same rights, interests and dangers*. Let these keep our attention inflexibly fixed on the *great objects*, which we must *continually regard*, in order to *preserve those rights, to promote those interests, and to avert those dangers*.

LET these *truths* be indelibly impressed on our minds—that we cannot be *HAPPY*, without being *FREE*—that we cannot be free, without being *secure in our property*—that we cannot be secure in our property, if without our consent, others may, as by right, take it away—that *taxes imposed on us by parliament*, do thus take it away—that *duties laid for the sole purpose of raising money*, are taxes—that attempts to lay such duties should be *instantly and firmly opposed*—that this opposition can never be effectual, unless it is the *united effort of these provinces*—that therefore *BENEVOLENCE of temper towards each other*, and *UNANIMITY of counsels*, are essential to the welfare of the whole—and lastly, that for this reason, every man amongst us, who in any manner would encourage either

dissention, diffidence, or indifference, between these colonies, is an enemy to himself, and to his country.

THE belief of these truths, I verily think, my countrymen, is indispensibly necessary to your happiness.—I beseech you, therefore, † “teach them diligently unto your children, and talk of them when you sit in your houses, and when you walk by the way, and when you lie down, and when you rise up.”

WHAT have these colonies to *ask*, while they continue free? Or what have they to *dread*, but insidious attempts to subvert their freedom? *Their prosperity* does not depend on *ministerial favours* doled out to *particular* provinces. *They* form *one* political body, of which *each colony* is a *member*. *Their happiness* is founded on *their constitution*, and is to be promoted, by preserving that constitution in unabated vigour, *throughout every part*.—A spot, a speck of decay, however small the limb on which it appears, and however remote it may seem from the vitals, should be alarming.—We have *all the rights* requisite for our prosperity.—The *legal authority* of *Great-Britain* may indeed lay hard restrictions upon us; but, like the spear of *Telephus*, it will cure as well as wound.—Her

† Deuteron. vi. 7.

unkindness will instruct and compel us, after some time, to discover, in our *industry* and *frugality*, surprising remedies—if our rights continue unviolated:—for as long as the *products* of our labour, and the *rewards* of our care, can properly be called *our own*, so long it will be worth our while to be *industrious* and *frugal*. But if when we plow—sow—reap—gather—and thresh—we find, that we plow—sow—reap—gather—and thresh for *others*, whose PLEASURE is to be the SOLE LIMITATION *how much* they shall take, and *how much* they shall leave, WHY should we repeat the unprofitable toil?—Horses and oxen are content with *that portion of the fruits of their work*, which their owners assign them, in order to keep them strong enough to raise successive crops; but even *these beasts* will not submit to draw for their masters, until they are subdued by whips and goads.

LET us take care of our *rights*, and we *therein* take care of *our prosperity*.* “SLAVERY IS “EVER PRECEDED BY SLEEP.” *Individuals* may be *dependent* on ministers, if they please. *States* should scorn it;—and if *you* are not wanting to *yourselves*, you will have a *proper regard* paid you by *those*, to whom if you are not *respectable*, you will be *contemptible*. But—if we have *already forgotten* the *reasons* that urged us, with unexampled unanimity, to exert ourselves two years

* *Montesquieu's Spirit of Laws*, book 14, chap. 13.

ago——if *our zeal* for the public good is *worn out* before the *homespun clothes*, which it caused us to have made——if *our resolutions* are *so faint*, as by our present conduct to *condemn* our own late *successful* example——if *we are not affected* by any reverence for the memory of our ancestors, who transmitted to us that freedom in which they had been blest——if *we are not animated* by any regard for posterity, to whom, by the most sacred obligations, we are bound to deliver down the invaluable inheritance——THEN, indeed, any *minister*——or any *tool* of a minister——or any *creature* of a tool of a minister——or any *lower † instrument of ‡ administration*, if lower there be, is a *personage* whom it may be dangerous to offend.

† “Instrumenta regni,” Tacitus’s Ann. book 12, sect. 66.

‡ If any person shall imagine that he discovers, in these letters, the least dislike of the dependence of these colonies on *Great-Britain*, I beg that such person will not form any judgment on *particular expressions*, but will consider the *tenor of all the letters taken together*. In that case, I flatter myself, that every unprejudiced reader will be *convinced*, that the true interests of *Great-Britain* are as dear to me, as they ought to be to every good subject.

If I am an *enthusiast* in any thing, it is in my zeal for the *perpetual dependence* of these colonies on their mother country.—A dependence founded on *mutual benefits*, the continuance of which can be secured only by *mutual affections*. Therefore it is, that with extreme apprehension I view the smallest seeds of discontent, which are unwarily scattered abroad. *Fifty or sixty years* will make astonishing alterations in these colonies; and this consideration should render it the business of *Great-Britain* more and more to cultivate our good dispositions towards her: but the misfortune is, that those *great men*, who are

I SHALL be extremely sorry, if any man mistakes my meaning in any thing I have said. Officers employed by the crown, are, while according to the laws they conduct themselves, intitled to legal obedience and sincere respect. These it is a

wrestling for power at home, think themselves very slightly interested in the prosperity of their country *fifty* or *sixty* years hence, but are deeply concerned in blowing up a popular clamor for supposed *immediate advantages*.

For my part, I regard *Great-Britain* as a *bulwark*, happily fixed between these colonies and the powerful nations of *Europe*. That kingdom remaining safe, we, under its protection, enjoying peace, may diffuse the blessings of religion, science, and liberty, through remote wildernesses. It is therefore uncontestibly our *duty*, and our *interest*, to support the strength of *Great-Britain*. When confiding in that strength, she begins to forget from whence it arose, it will be an easy thing to shew the source: She may readily be reminded of the loud alarm spread among her merchants and tradesmen, by the universal association of these colonies, at the time of the *stamp-act*, not to import any of her *manufactures*.

In the year 1718, the *Russians* and *Swedes* entered into an agreement, not to suffer *Great-Britain* to export any *naval stores* from their dominions but in *Russian* or *Swedish* ships, and at their own prices. *Great-Britain* was distressed. *Pitch* and *tar* rose to *three pounds* a barrel. At length she thought of getting these articles from the colonies; and the attempt succeeding, they fell down to *fifteen shillings*. In the year 1756, *Great-Britain* was threatened with an invasion. An easterly wind blowing for six weeks, she could not *man* her fleet, and the whole nation was thrown into the utmost consternation. The wind changed. The *American* ships arrived. The fleet sailed in ten or fifteen days. There are some other reflections on this subject, worthy of the most deliberate attention of the *British* parliament; but they are of such a nature, that I do not choose to mention them publicly. I thought it my duty, in the year 1765, while the *stamp-act* was in suspence, to write my sentiments to a gentleman of great influence at home, who afterwards distinguished himself, by espousing our cause, in the debates concerning the repeal of that act.

duty to render them; and these no good or prudent person will withhold. But when these officers, through rashness or design, desire to enlarge their authority beyond its due limits, and expect improper concessions to be made to them, from regard for the employments they bear, their attempts should be considered as equal injuries to the crown and people, and should be courageously and constantly opposed. To suffer our ideas to be confounded by names on such occasions, would certainly be an *inexcusable weakness*, and probably an *irremediable error*.

We have reason to believe, that several of his majesty's present ministers are good men, and friends to our country; and it seems not unlikely, that by a particular concurrence of events, we have been treated a little more severely than they wished we should be.—*They* might not think it prudent to stem a torrent. But what is the difference to *us*, whether arbitrary acts take their rise from ministers, or are permitted by them? Ought any point to be allowed to a good minister,* that should be denied to a bad one? The mortality of ministers, is a very frail mortality. A——may succeed a *Shelburne*——A——may succeed a *Conway*.

* Ubi imperium ad ignaros aut minus bonos pervenit; *novum illud exemplum* ab dignis & idoneis, ad indignos & non idoneos *transfertur*.

Sall. Bell. Cat. § 50.

WE find a new kind of minister lately spoken of at home—" *the minister of the house of commons.*" The term seems to have peculiar propriety when referred to these colonies, *with a different meaning annexed to it*, from that in which it is taken there. By the word "minister," we may understand not only a *servant of the crown*, but a *man of influence* among the commons, who regard themselves as having a share in the *sovereignty* over us. The "minister of the house" may, in a point respecting the colonies, be so strong, that the minister of the crown *in the house*, if he is a distinct person, may not choose, even where his sentiments are favourable to us, to come to a pitched battle upon our account. For though I have the highest opinion of the deference of the house for the king's minister, yet he may be so good-natured, as not to put it to the test, except it be for the mere and immediate profit of his master or himself.

BUT whatever kind of *minister* he is, that attempts to innovate *a single iota* in the privileges of these colonies, him I hope you will *undauntedly oppose*;—and that you will never suffer yourselves to be either *cheated* or *frightened* into any *unworthy obsequiousness*. On such emergencies you may surely, without presumption believe, that

ALMIGHTY GOD himself will look down upon your righteous contest with gracious approbation. You will be a "*band of brothers*," cemented by the dearest ties,—and strengthened with inconceivable supplies of force and constancy, by that sympathetic ardor, which animates good men, confederated in a good cause. Your *honour* and *welfare* will be, as they now are, most intimately concerned; and besides—you are assigned by *Divine Providence*, in the appointed order of things, the *protectors of unborn ages*, whose *fate* depends upon your *virtue*. Whether *they* shall arise the *generous* and *indisputable heirs* of the noblest patrimonies, or the *dastardly* and *hereditary drudges* of imperious taskmasters, YOU MUST DETERMINE.

To discharge this double duty to *yourselves*, and to your *posterity*, you have nothing to do, but to call forth into use the *good sense* and *spirit* of which you are possessed. You have nothing to do, but to conduct your affairs *peaceably, prudently, firmly, jointly*. By *these means* you will support the character of *freemen*, without losing that of *faithful subjects*—a good character in any government—one of the best under a *British* government.—You will *prove*, that *Americans* have that true *magnanimity* of soul that can resent injuries, without falling into rage; and that though your devotion to *Great-Britain* is the most affectionate, yet

you can make *proper distinctions*, and know what you owe *to yourselves*, as well as *to her*—you will, at the same time that you advance your *interests*, advance your *reputation*—you will convince the world of the *justice of your demands* and the *purity of your intentions*.—While all mankind must, with unceasing applauses, confess, that *you* indeed *deserve* liberty, who so *well understand* it, so *passionately love* it, so *temperately enjoy* it, and so *wisely, bravely, and virtuously assert, maintain, and defend* it.

*“ Certe ego libertatem, quæ mihi a parente meo
tradita est, experiar : verum id frustra an ob
rem faciam, in vestra manu situm est, quiri-
tes.”*

For my part, I am resolved to contend for the liberty delivered down to me by my ancestors; but whether I shall do it effectually or not, depends on you, my countrymen.

“ How little soever one is able to write, yet
“ when the liberties of one’s country are threat-
“ ened, it is still more difficult to be silent.”

A FARMER.



Is there not the strongest probability, that if the universal sense of these colonies is immediately expressed by *resolves* of the assemblies, in support of their rights, by *instructions* to their agents on the subject, and by *petitions* to the crown and parliament for redress, these measures will have the same success now, that they had in the time of the *stamp-act* D.

THE END OF THE FARMER'S LETTERS

John Dickinson

©

A N

E S S A Y

ON THE CONSTITUTIONAL POWER OF GREAT-
BRITAIN OVER THE COLONIES IN
AMERICA ;

WITH THE

RESOLVES

OF THE COMMITTEE FOR THE PROVINCE
OF PENNSYLVANIA,

AND THEIR

INSTRUCTIONS TO THEIR REPRESENTATIVES
IN ASSEMBLY.

PRINTED AT PHILADELPHIA, IN THE YEAR 1774.

§ 1. General Definitions.

1. Person shall mean any individual, partnership, firm, corporation, association, trust, estate, or other legal entity, whether or not organized under the laws of this State.

2. Property shall mean any real or personal property, whether or not tangible, and whether or not the same is situated within or without the State, and whether or not the same is owned by the person.

3. Income shall mean any and all income, whether or not derived from property, and whether or not the same is received by the person.

4. Net Income shall mean the income, after the deduction of all expenses, and after the deduction of all taxes, and after the deduction of all other charges, and after the deduction of all other liabilities.

5. Assets shall mean any and all property, whether or not tangible, and whether or not the same is situated within or without the State, and whether or not the same is owned by the person.

6. Liabilities shall mean any and all debts, and whether or not the same are due and payable, and whether or not the same are secured by any property.

7. Net Assets shall mean the assets, after the deduction of all liabilities, and after the deduction of all other charges, and after the deduction of all other liabilities.

8. Net Worth shall mean the net assets, after the deduction of all liabilities, and after the deduction of all other charges, and after the deduction of all other liabilities.

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EXTRACT

FROM THE

MINUTES OF THE COMMITTEE.

SATURDAY, JULY 16, [1774.]

THE committee for the [province of *Pennsylvania*] met according to adjournment.

JOHN DICKINSON, DOCTOR WILLIAM SMITH, JOSEPH READ, JOHN KIDD, ELISHA PRICE, WILLIAM ATLEE, JAMES SMITH, JAMES WILSON, DANIEL BROADHEAD, JOHN OKELY, and WILLIAM SCULL, are appointed to prepare and bring in a draught of instructions.

Monday, July 18. * The committee appointed to bring in instructions, reported, that they had made a draught, which they laid upon the table.

Moved, That they be read—which was done.

Tuesday, July 19. Upon a motion made and seconded, agreed that the draught of instructions brought in by the committee, and which were read, be re-committed to the same committee.

Wednesday, July 20. The committee having brought in a draught of instructions, the same were debated, amended and agreed to.

Thursday, July 21. The instructions were signed by the chairman.—The committee in a body, waited on the assembly then sitting, and presented the same.

It having been moved, that the essay of the instructions first proposed to be given to the honour-

* The committees of the counties having been invited, by the committee for the city and county of *Philadelphia*, to meet them at *Philadelphia* on the 15th of *July*; this committee thought it their duty, to make some preparation in the business, that was to be laid before the provincial committee by them. On the 4th of *July* they appointed a committee for this purpose; and this measure enabled those appointed by the provincial committee to bring in a draught so soon.

able assembly of *Pennsylvania*, by the provincial committee assembled at *Philadelphia*, the 18th instant, might be abridged, leaving out the argumentative part, so as to be more proper for instructions, the same was agreed to; but resolved at the same time, that the whole work ought to be published, as highly deserving the perusal and serious consideration of every friend of liberty within these colonies.

Agreed unanimously, That the thanks ‡ of this committee be given from the chair to JOHN DICK-

‡ *Mr. Dickinson* being absent this day, on account of the funeral of a relation, the next day the chairman, in a very obliging manner, delivered to him from the chair the thanks of the committee; to which he replied:

“ Mr. CHAIRMAN,

“ I heartily thank this respectable assembly for the honour they have conferred upon me, but want words to express the sense I feel of their kindness. The mere accidents of meeting with particular books, and conversing with particular men, led me into the train of sentiments, which the committee are pleased to think just; and others, with the like opportunities of information, would much better have deserved to receive the thanks, they now generously give. I consider the approbation of this company as an evidence, that they entertain a favourable opinion of my good intentions, and as an encouragement for all to apply themselves, in these unhappy times, to the service of the public, since even small endeavours to promote that service, can find a very valuable reward. I will try, during the remainder of my life, to remember my duty to our common country, and, if it be possible, to render myself worthy of the honour for which I now stand so deeply indebted.

“ I thank you, sir, for the polite and affectionate manner, in which you have communicated the sense of the committee to me.”

(290)

INSON, esquire, for the great assistance they have derived from the laudable application of his eminent abilities, to the service of his country in the above performance.

Extract from the minutes,

CHARLES THOMSON, *clerk of the committee.*

P R E F A C E.

WHEN the committee for preparing a draught of instructions was appointed, it was considered, whether it would not be proper, to form some kind of a sketch, however imperfect it might be, of all the grievances, of the colonies, and of course of their constitutional rights.

SUCH an attempt, tho' very rude, might be improved by better hands; and it seemed absolutely necessary, no longer to confine ourselves to occasional complaints and partial remedies, but, if possible, to attain some degree of certainty concerning our lives, liberties and properties.

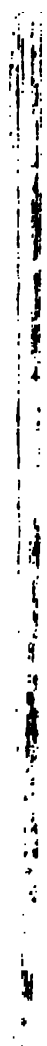
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prehend many and very important positions, which it would be proper to introduce, by previously assigning the reasons, on which they were founded. Otherwise, the positions might not appear to the committee to be just. From this consideration it became necessary, to render the instructions long and argumentative ; and whoever candidly reflects on the importance of the occasion, will think such a method very justifiable.

THE draught of instructions being brought into the provincial committee and read, and no objection being made to any of the principles asserted in them, it was not thought necessary, that the argumentative part should continue any longer in them. The committee, that brought in the draught, therefore moved, that this part of the instructions might be separated from the rest. Whereupon the draught was re-committed, for this purpose, to the committee, that brought it in. This was done.

SEVERAL additions have been made to the other part, now called " An Essay," &c. since the vote for publishing. The additions are distinguished by crotchets, thus [] and in these it was not thought necessary to observe the stile of instructions. The notes have been almost entirely added since the vote.

August 1, 1774.



“ OF the various instructions, on this occasion, those which were drawn up by a convention of delegates, from every county in the province of Pennsylvania, and presented by them, in a body, to the constitutional assembly, were the most precise and determinate. By these it appears that the Pennsylvanians were disposed to submit to the acts of navigation, *as they then stood*, and also to settle a certain annual revenue on his majesty, his heirs and successors, subject to the controul of parliament, and to satisfy the demands of the East-India company, *provided their grievances were redressed*, and *an amicable compact was settled*, which, by establishing American rights in the manner of a new magna charta, would have precluded future disputes.”

RAMSAY'S *History of the American Revolution*, vol. I. page 134.

1. The first part of the document is a list of names and addresses of the members of the committee.

2. The second part of the document is a list of names and addresses of the members of the committee.

3. The third part of the document is a list of names and addresses of the members of the committee.

RESOLUTIONS, &c.

At a provincial meeting of deputies chosen by the several counties, in Pennsylvania, held at Philadelphia, July 15, 1774, and continued by adjournments from day to day.

P R E S E N T,

For the city and county of Philadelphia,

Thomas Willing,
John Dickinson,
Peter Chevalier,
Edward Pennington,
Thomas Wharton,
John Cox,
Joseph Reed,
Tho. Wharton, jun.
Samuel Erwin,
Thomas Fitzsimons,
Dr. William Smith,
Isaac Howell,

VOL. 1.

Joseph Moulder,
Anth. Morris, Jun.
George Gray,
John Nixon,
Jacob Barge,
Thomas Penrose,
John M. Nesbit,
Jonathan B. Smith,
James Mease,
Thomas Barclay,
Benjamin Marshall,
Samuel Howell,

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1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is essential for ensuring transparency and accountability in the organization's operations.

2. The second part outlines the various methods and tools used to collect and analyze data. It mentions the use of surveys, interviews, and focus groups to gather information from stakeholders. Additionally, it discusses the application of statistical analysis to interpret the collected data.

3. The third part describes the process of identifying key performance indicators (KPIs) and how they are used to measure the organization's progress. It highlights the need for regular monitoring and reporting to ensure that the organization remains on track with its goals.

4. The fourth part addresses the challenges faced during the data collection and analysis process. It mentions issues such as data quality, sample size, and the complexity of the data itself. It also discusses strategies to overcome these challenges, such as using multiple data sources and employing advanced analytical techniques.

5. The fifth part concludes the document by summarizing the key findings and recommendations. It reiterates the importance of continuous improvement and the need for the organization to stay updated with the latest trends and technologies in the field.

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Thursday, July 21. The instructions were signed by the chairman.—The committee in a body, waited on the assembly then sitting, and presented the same.

It having been moved, that the essay of the instructions first proposed to be given to the honour-

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able assembly of *Pennsylvania*, by the provincial committee assembled at *Philadelphia*, the 18th instant, might be abridged, leaving out the argumentative part, so as to be more proper for instructions, the same was agreed to; but resolved at the same time, that the whole work ought to be published, as highly deserving the perusal and serious consideration of every friend of liberty within these colonies.

Agreed unanimously, That the thanks ‡ of this committee be given from the chair to JOHN DICK-

‡ *Mr. Dickinson* being absent this day, on account of the funeral of a relation, the next day the chairman, in a very obliging manner, delivered to him from the chair the thanks of the committee; to which he replied:

“ MR. CHAIRMAN,

“ I heartily thank this respectable assembly for the honour they have conferred upon me, but want words to express the sense I feel of their kindness. The mere accidents of meeting with particular books, and conversing with particular men, led me into the train of sentiments, which the committee are pleased to think just; and others, with the like opportunities of information, would much better have deserved to receive the thanks, they now generously give. I consider the approbation of this company as an evidence, that they entertain a favourable opinion of my good intentions, and as an encouragement for all to apply themselves, in these unhappy times, to the service of the public, since even small endeavours to promote that service, can find a very valuable reward. I will try, during the remainder of my life, to remember my duty to our common country, and, if it be possible, to render myself worthy of the honour for which I now stand so deeply indebted.

“ I thank you, sir, for the polite and affectionate manner, in which you have communicated the sense of the committee to me.”

Monday, July 18. * The committee appointed to bring in instructions, reported, that they had made a draught, which they laid upon the table.

Moved, That they be read—which was done.

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SUCH an attempt, tho' very rude, might be improved by better hands; and it seemed absolutely necessary, no longer to confine ourselves to occasional complaints and partial remedies, but, if possible, to attain some degree of certainty concerning our lives, liberties and properties.

It was perceived, that if the instructions should be formed on this plan, they would com-

prehend many and very important positions, which it would be proper to introduce, by previously assigning the reasons, on which they were founded. Otherwise, the positions might not appear to the committee to be just. From this consideration it became necessary, to render the instructions long and argumentative ; and whoever candidly reflects on the importance of the occasion, will think such a method very justifiable.

THE draught of instructions being brought into the provincial committee and read, and no objection being made to any of the principles asserted in them, it was not thought necessary, that the argumentative part should continue any longer in them. The committee, that brought in the draught, therefore moved, that this part of the instructions might be separated from the rest. Whereupon the draught was re-committed, for this purpose, to the committee, that brought it in. This was done.

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RAMSAY'S *History of the American Revolution*, vol. I. page 134.

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RESOLUTIONS, &c.

At a provincial meeting of deputies chosen by the several counties, in Pennsylvania, held at Philadelphia, July 15, 1774, and continued by adjournments from day to day.

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Edward Pennington,	John Nixon,
Thomas Wharton,	Jacob Barge,
John Cox,	Thomas Penrose,
Joseph Reed,	John M. Nesbit,
Tho. Wharton, jun.	Jonathan B. Smith,
Samuel Erwin,	James Mease,
Thomas Fitzsimons,	Thomas Barclay,
Dr. William Smith,	Benjamin Marshall,
Isaac Howell,	Samuel Howell,

Adam Hubley,	William Moulder,
George Schlosser,	John Roberts,
Samuel Miles,	John Bayard,
Thomas Mifflin,	William Rush,
Christoph. Ludwic,	Charles Thomson.

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Henry Wynkoop,	James Wallace.
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ed into an act of parliament, will be as unconstitutional, oppressive and dangerous, as the act above-mentioned.

✓ UNAN. VIII. That the bill for changing the constitution of the province of *Massachusetts-Bay*, established by charter, and enjoyed since the grant of that charter, if passed into an act of parliament, will be unconstitutional and dangerous in its consequences to the *American* colonies.

UNAN. IX. That there is an absolute necessity, that a congress of deputies from the several colonies be immediately assembled, to consult together, and form a general plan of conduct to be observed by all the colonies, for the purposes of procuring relief for our suffering brethren, obtaining redress of our grievances, preventing future dissensions, firmly establishing our rights, and restoring harmony between *Great-Britain* and her colonies on a constitutional foundation.

UNAN. X. That, although a suspension of the commerce of this large trading province, with *Great-Britain*, would greatly distress multitudes of our industrious inhabitants, yet that sacrifice, and a much greater, we are ready to offer for the preservation of our liberties ; but, in tenderness to the people of *Great-Britain*, as well as of this coun-

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RAMSAY'S *History of the American Revolution*, vol. I. page 134.

UNAN. XIII. That the venders of merchandize of every kind, within this province ought not to take advantage of the resolves relating to non-importation in this province or elsewhere ; but that they ought to sell their merchandize, which they now have, or may hereafter import, at the same rates they have been accustomed to do within three months last past.

UNAN. XIV. That the people of this province will break off all trade, commerce, and dealing, and will have no trade, commerce, or dealing of any kind with any colony on this continent, or with any city or town in such colony, or with any individual, in any such colony, city or town, which shall refuse, decline, or neglect to adopt, and carry into execution such general plan as shall be agreed to in congress.

UNAN. XV. That it is the duty of every member of this committee to promote, as much as he can, the subscription set on foot, in the several counties of this province, for the relief of the distressed inhabitants of *Boston*.

UNAN. XVI. That this committee give instructions on the present situation of public affairs, to their representatives, who are to meet next week in assembly, and request them to appoint a proper

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THOMAS WILLING, Chairman,

CHARLES THOMSON, Clerk.

AGREED that, in case of any difference in sentiment, the question be determined by the deputies voting by counties.

THE letters from *Boston* of the 13th of *May* were then read, and a short account given of the steps taken in consequence thereof, and the measures now pursuing in this and the neighbouring provinces; after which the following RESOLVES were passed.

UNAN. I. **T**HAT we acknowledge ourselves, and the inhabitants of this province, liege subjects of his majesty king *George* the third, to whom they and we owe and will bear true and faithful allegiance.

UNAN. II. That as the idea of an unconstitutional independence on the parent state is utterly abhorrent to our principles, we view the unhappy differences between *Great-Britain* and the colonies with the deepest distress and anxiety of mind, as fruitless to her, grievous to us, and destructive of the best interests of both.

UNAN. III. That it is therefore our ardent desire, that our ancient harmony with the mother country should be restored, and a perpetual love and union subsist between us, on the principles of the constitution, and an interchange of good offices, without the least infraction of our mutual rights.

UNAN. IV. That the inhabitants of these colonies are intitled to the same rights and liberties WITHIN these colonies, that the subjects born in *England* are intitled to WITHIN that realm.

UNAN. V. That the power assumed by the parliament of *Great-Britain* to bind the people of these colonies, " by statutes IN ALL CASES " *whatsoever*," is unconstitutional ; and therefore the source of these unhappy differences.

✓ UNAN. VI. That the act of parliament, for shutting up the port of *Boston*, is unconstitutional ; oppressive to the inhabitants of that town ; dangerous to the liberties of the *British* colonies ; and therefore, that we consider our brethren at *Boston* as suffering in the common cause of these colonies.

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RAMSAY'S *History of the American Revolution*, vol. I. page 134.

accomplishment of its purposes——confiding, and capable of confiding, only *in the annihilation of all opposition*—holds its course with such unabating and destructive rapidity, that the world has become its prey, and at this day, *Great-Britain* and her dominions excepted, there is scarce a spot on the globe inhabited by civilized nations, where the vestiges of freedom are to be observed.

To us therefore it appears, at this alarming period, our duty to God, to our country, to ourselves, and to our posterity, to exert our utmost ability, in promoting and establishing harmony between *Great-Britain* and these colonies, *on a constitutional foundation*.

For attaining this great and desirable end, we request you to appoint a proper number of persons to attend a congress of deputies from the several colonies, appointed, or to be appointed, by the representatives of the people of the colonies respectively in assembly, or convention, or, by delegates chosen by the counties generally in the respective colonies; and met in provincial committee, at such time and place as shall be generally agreed on: and that the deputies from this province may be induced and encouraged to concur in such measures, as may be devised for the common welfare, we think it proper, particularly to inform you, how far, we

apprehend, they will be supported in their conduct by their constituents.

[In this place was inserted the argumentative part, which in this publication is called " An Essay."]

THE assumed parliamentary power of internal legislation, and the power of regulating trade, as of late exercised, and designed to be exercised, we are thoroughly convinced, will prove unfailing and plentiful sources of dissensions to our mother country and these colonies, unless some expedients can be adopted to render her secure of receiving from us every emolument, that can in justice and reason be expected, and us secure in our lives, properties, and an equitable share of commerce.

MOURNFULLY revolving in our minds the calamities, that, arising from these dissensions, will most probably fall on us and our children, we will now lay before you the particular points we request of you to procure, if possible, to be finally decided ; and the measures that appear to us most likely to produce such a desirable period of our distresses and dangers. We therefore desire of you——

FIRST. That the Deputies you appoint, may be instructed by you strenuously to exert them-

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George Schlosser,	John Roberts,
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monly called the acts of navigation, and to every other act of parliament declared to have force, at this time, in these colonies, other than those above mentioned, and to confirm such statutes by acts of the several assemblies. It is also our opinion, that taking example from our mother country, in abolishing the “ courts of wards and liveries, tenures “ in capite, and by knight’s service, and purvey-
“ ance,” it will be reasonable for the colonies, in case of obtaining the terms before mentioned, to settle a certain annual revenue on his majesty, his heirs and successors, subject to the controul of parliament, and to satisfy all damages done to the *East-India* company.

THIS our idea of settling a revenue, arises from a sense of duty to our sovereign, and of esteem for our mother country. We know and have felt the benefits of a subordinate connexion with her. We neither are so stupid as to be ignorant of them; nor so unjust as to deny them. We have also experienced the pleasures of gratitude and love, as well as advantages from that connexion. The impressions are not yet erased. We consider her circumstances with tender concern. We have not been wanting, when constitutionally called upon, to assist her to the utmost of our abilities; insomuch that she has judged it reasonable to make us recompences for our overstrained exertions: and we now

THOMAS WILLING, Chairman,

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emergency of distress to her, we shall also be ready and willing to contribute all aids within our power : and we solemnly declare, that on such oc-

quently and closely cut down and exposed to the burning heat of an unsetting sun, ever "*in its meridian*," perish to their deepest roots.

" There is not upon earth (says the excellent *Gordon*) a nation, which having had *unaccountable* magistrates, has not felt them to be crying and consuming mischiefs. In truth, *where they are most limited*, it has been often as much as a *robust people* could do to restrain them to their trust, and to keep them from violence ; and such frequently has been their propensity to be lawless, that nothing but a violent death could cure them of their violence. Some men *will never think they have enough*, whilst they can take more ; *nor be content with a part*, when they can seize the whole." i

" That the business of most kingdoms has been ill managed, proceeds from this ; it imports the *lower* rank of men only, and the *people* (whose cries seldom reach the prince, till it is too late, and till all is past remedy) that matters should be *frugally* ordered, because taxes must arise from *their* sweat and labour. But the *great* ones, who heretofore have had the prince's ear and favour, or who hoped to have him in their possession, were swayed by *another sort of interest* ; they like profusion, as having had a prospect to be gainers by it, they can easily set their account even with the state ; a *small charge* upon their land is *more than balanced* by a *great place*, or a *large pension*." k

See the lord keeper *North's* account of *abuses* in the conduct and *disposal* of the public money in the time of king *Charles I.* l Those who, *in our times*, are the conductors of the same kind of dirty work, may compare the *modern* ingenious ways and means with those of their worthy predecessors.

Among others, pretended want of money in the treasury, in order to have a pretence for giving an exorbitant price for necessaries.—Lending the CROWN AT EIGHT PER CENT. money which was raised at five and six. Paying with the public money, *pretending it to be private*, and taking interest. De-

i *Cato's* L. RT. III. 78.

k *Daven.* II. 262.

l *Dalrymp.* MEM. II. 84.

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and wicked desertion of the true interests of this province, which ever have been and must be bound up in the prosperity of our mother country. Our union, founded on mutual compacts and mutual

have been cheaper by the great. Money pretended to be coined *gratis*. Lists of large sums newly coined produced. But the contrivance was to make the pieces unequal, and then the too heavy pieces were carried back to the mint, and the profit sunk in private pockets, &c.

Secret service is a huge cloak thrown over an immense scene of corruption; and under this cloak we must not peep. Our court-men tell us, there must be large sums expended in this way, and those sums cannot be accounted for; because the services done for them must never be known. But we find, that the commons A. D. 1708 addressed queen Anne for accounts of pensions paid for secret service to members of parliament, or to any persons in trust for them; and that "the queen ordered said account to be laid before the house."^m

Contracts are a great fund of ministerial influence. It is well known, that our ministry do not accept the most reasonable offer; but the offer which is made by those who have the greatest parliamentary interest; and that in war time, every man, who furnishes for the government, is enriched; in France the contrary; which shews, that we manage our public money much worse than the French ministry do theirs. In the late war it is notorious, that several of our purveyors and commissaries got estates sufficient to set them up for earls and dukes. But as Burnetⁿ says, "the regard, that is shewn to members of parliament among us, causes that few abuses can be inquired into, or discovered."

POL. DISQU. book V. page 274—277.

What redress could a poor plundered, unrepresented colony obtain against a *Ferres*, supported by a strong parliamentary influence. We know what several governors of *Minorca* have dared to do. A governor of *Gibraltar* has ventured to oppress even the garrison of that important place. The very drudgery of examining accounts, would probably secure him. If cast, the injuries could not be recompensed. A successor might prove as bad—" *Fictrix provincia plorat*." The victorious province weeps.

^m DES. COM. IV. 119. ⁿ HIST. OWN TIMES, III. 279.

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VOL. 1.

Joseph Moulder,
Anth. Morris, Jun.
George Gray,
John Nixon,
Jacob Barge,
Thomas Penrose,
John M. Nesbit,
Jonathan B. Smith,
James Mease,
Thomas Barclay,
Benjamin Marshall,
Samuel Howell,

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Adam Hubley,	William Moulder,
George Schlosser,	John Roberts,
Samuel Miles,	John Bayard,
Thomas Mifflin,	William Rush,
Christoph. Ludwic,	Charles Thomson.

Bucks,

John Kidd,	John Wilkinson,
Henry Wynkoop,	James Wallace.
Joseph Kirkbride,	

Chester,

Francis Richardson,	Hugh Lloyd,
Elisha Price,	John Sellers,
John Hart,	Francis Johnson,
Anthony Wayne,	Richard Reiley.

Lancaster,

George Ross,	Emanuel Carpenter,
James Webb,	William Atlee,
Joseph Ferree,	Alexander Lowry,
Matthias Slough,	Moses Erwin.

York,

James Smith,	Thomas Hartley.
Joseph Donaldson,	

Cumberland,

James Wilson,	William Irvine,
Robert Magaw,	

(299)

Berks,

ard Biddle,	Thomas Dundas,
iel Broadhead,	Christopher Schultz.
athan Potts,	

Northampton,

liam Edmunds,	John Okeley,
r Kechlein,	Jacob Arndt.

Northumberland,

liam Scull,	Samuel Hunter.
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Bedford,

erge Woods.

Westmoreland,

ert Hannah,	James Cavett.
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(300)

THOMAS WILLING, Chairman,
CHARLES THOMSON, Clerk.

AGREED that, in case of any difference in sentiment, the question be determined by the deputies voting by counties.

THE letters from *Boston* of the 13th of *May* were then read, and a short account given of the steps taken in consequence thereof, and the measures now pursuing in this and the neighbouring provinces; after which the following RESOLVES were passed.

UNAN. I. **T**HAT we acknowledge ourselves, and the inhabitants of this province, liege subjects of his majesty king *George* the third, to whom they and we owe and will bear true and faithful allegiance.

UNAN. II. That as the idea of an unconstitutional independence on the parent state is utterly abhorrent to our principles, we view the unhappy differences between *Great-Britain* and the colonies with the deepest distress and anxiety of mind, as fruitless to her, grievous to us, and destructive of the best interests of both.

UNAN. III. That it is therefore our ardent desire, that our ancient harmony with the mother country should be restored, and a perpetual love and union subsist between us, on the principles of the constitution, and an interchange of good offices, without the least infraction of our mutual rights.

UNAN. IV. That the inhabitants of these colonies are intitled to the same rights and liberties WITHIN these colonies, that the subjects born in *England* are intitled to WITHIN that realm.

UNAN. V. That the power assumed by the parliament of *Great-Britain* to bind the people of these colonies, " by statutes IN ALL CASES " *whatsoever*," is unconstitutional ; and therefore the source of these unhappy differences.

✓ UNAN. VI. That the act of parliament, for shutting up the port of *Boston*, is unconstitutional ; oppressive to the inhabitants of that town ; dangerous to the liberties of the *British* colonies ; and therefore, that we consider our brethren at *Boston* as suffering in the common cause of these colonies.

✓ UNAN. VII. That the bill for altering the administration of justice in certain criminal cases within the province of *Massachusetts-Bay*, if pass-

prehend many and very important positions, which it would be proper to introduce, by previously assigning the reasons, on which they were founded. Otherwise, the positions might not appear to the committee to be just. From this consideration it became necessary, to render the instructions long and argumentative ; and whoever candidly reflects on the importance of the occasion, will think such a method very justifiable.

THE draught of instructions being brought into the provincial committee and read, and no objection being made to any of the principles asserted in them, it was not thought necessary, that the argumentative part should continue any longer in them. The committee, that brought in the draught, therefore moved, that this part of the instructions might be separated from the rest. Whereupon the draught was re-committed, for this purpose, to the committee, that brought it in. This was done.

SEVERAL additions have been made to the other part, now called " An Essay," &c. since the vote for publishing. The additions are distinguished by crotchets, thus [] and in these it was not thought necessary to observe the stile of instructions. The notes have been almost entirely added since the vote.

August 1, 1774.

to the remaining tenth? No.—To say we have, is a “traiterous” position, denying her supreme legislature. So far from *having property*, according to these late found novels, *we are ourselves a property*.

WE pretend not to any considerable share of learning; but, thanks be to divine Goodness, common sense, experience, and some acquaintance with the constitution, teach us a few salutary truths on this important subject.

WHATEVER difficulty may occur in tracing the line, yet we contend, that by the laws of God, and by the laws of the constitution, a line there must be, beyond which her authority cannot extend. For all these laws are ‡ “grounded on reason, full of justice, † and true equity,” mild, and calculated to promote the freedom and welfare of men. These

‡ *PARLT. Deb.* 7. 409. “What of that? Shall not we give judgment, because it is not adjudged in the books before? We will give judgment *according to reason*, and if there be no reason in the books, I will not regard them.”

Speech of Anderson, lord chief justice of the queen's bench, in the reign of Elizabeth.
GOULDSB. REP. 96. edit. 1653.

† “It seems to me, that the *natural justice*, which is a duty of man, ought to be stiled the *parent, and nourisher, of every other virtue*: and assuredly, without this habit, a man can neither moderate his desires, nor be brave, nor wise. For, it is a *harmony*, and peace, of the whole soul; with a full concert of words, and actions: and the dominion of such a habit may be rendered more conspicu-

“ OF the various instructions, on this occasion, those which were drawn up by a convention of delegates, from every county in the province of Pennsylvania, and presented by them, in a body, to the constitutional assembly, were the most precise and determinate. By these it appears that the Pennsylvanians were disposed to submit to the acts of navigation, *as they then stood*, and also to settle a certain annual revenue on his majesty, his heirs and successors, subject to the controul of parliament, and to satisfy the demands of the East-India company, *provided their grievances were redressed, and an amicable compact was settled*, which, by establishing American rights in the manner of a new magna charta, would have precluded future disputes.”

RAMSAY'S *History of the American Revolution*, vol. I. page 134.

1. The first part of the document is a list of the names of the members of the committee.

2. The second part of the document is a list of the names of the members of the committee.

3. The third part of the document is a list of the names of the members of the committee.

4. The fourth part of the document is a list of the names of the members of the committee.

5. The fifth part of the document is a list of the names of the members of the committee.

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13.

RESOLUTIONS, &c.

At a provincial meeting of deputies chosen by the several counties, in Pennsylvania, held at Philadelphia, July 15, 1774, and continued by adjournments from day to day.

P R E S E N T,

For the city and county of Philadelphia,

Thomas Willing,	Joseph Moulder,
John Dickinson,	Anth. Morris, Jun.
Peter Chevalier,	George Gray,
Edward Pennington,	John Nixon,
Thomas Wharton,	Jacob Barge,
John Cox,	Thomas Penrose,
Joseph Reed,	John M. Nesbit,
Tho. Wharton, jun.	Jonathan B. Smith,
Samuel Erwin,	James Mease,
Thomas Fitzsimons,	Thomas Barclay,
Dr. William Smith,	Benjamin Marshall,
Isaac Howell,	Samuel Howell,

Adam Hubley,	William Moulder,
George Schlosser,	John Roberts,
Samuel Miles,	John Bayard,
Thomas Mifflin,	William Rush,
Christoph. Ludwic,	Charles Thomson.

Bucks,

John Kidd,	John Wilkinson,
Henry Wynkoop,	James Wallace.
Joseph Kirkbride,	

Chester,

Francis Richardson,	Hugh Lloyd,
Elisha Price,	John Sellers,
John Hart,	Francis Johnson,
Anthony Wayne,	Richard Reiley.

Lancaster,

George Ross,	Emanuel Carpenter,
James Webb,	William Atlee,
Joseph Ferree,	Alexander Lowry,
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Berks,

Edward Biddle,	Thomas Dundas,
Daniel Broadhead,	Christopher Schultz.
Jonathan Potts,	

Northampton,

William Edmunds,	John Okeley,
Peter Kechlein,	Jacob Arndt.

Northumberland,

William Scull,	Samuel Hunter.
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Bedford,

George Woods.

Westmoreland,

Robert Hannah,	James Cavett.
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THOMAS WILLING, Chairman,

CHARLES THOMSON, Clerk.

Agreed that, in case of any difference in sentiment, the question be determined by the deputies voting by counties.

THE letters from *Boston* of the 13th of *May* were then read, and a short account given of the steps taken in consequence thereof, and the measures now pursuing in this and the neighbouring provinces; after which the following RESOLVES were passed.

UNAN. I. **T**HAT we acknowledge ourselves, and the inhabitants of this province, liege subjects of his majesty king *George* the third, to whom they and we owe and will bear true and faithful allegiance.

UNAN. II. That as the idea of an unconstitutional independence on the parent state is utterly abhorrent to our principles, we view the unhappy differences between *Great-Britain* and the colonies with the deepest distress and anxiety of mind, as fruitless to her, grievous to us, and destructive of the best interests of both.

UNAN. III. That it is therefore our ardent desire, that our ancient harmony with the mother country should be restored, and a perpetual love and union subsist between us, on the principles of the constitution, and an interchange of good offices, without the least infraction of our mutual rights.

UNAN. IV. That the inhabitants of these colonies are intitled to the same rights and liberties WITHIN these colonies, that the subjects born in *England* are intitled to WITHIN that realm.

UNAN. V. That the power assumed by the parliament of *Great-Britain* to bind the people of these colonies, " by statutes IN ALL CASES " *whatsoever*," is unconstitutional ; and therefore the source of these unhappy differences.

✓ UNAN. VI. That the act of parliament, for shutting up the port of *Boston*, is unconstitutional ; oppressive to the inhabitants of that town ; dangerous to the liberties of the *British* colonies ; and therefore, that we consider our brethren at *Boston* as suffering in the common cause of these colonies.

✓ UNAN. VII. That the bill for altering the administration of justice in certain criminal cases within the province of *Massachusetts-Bay*, if pass-

ed into an act of parliament, will be as unconstitutional, oppressive and dangerous, as the act above-mentioned.

✓ **UNAN. VIII.** That the bill for changing the constitution of the province of *Massachusetts-Bay*, established by charter, and enjoyed since the grant of that charter, if passed into an act of parliament, will be unconstitutional and dangerous in its consequences to the *American* colonies.

UNAN. IX. That there is an absolute necessity, that a congress of deputies from the several colonies be immediately assembled, to consult together, and form a general plan of conduct to be observed by all the colonies, for the purposes of procuring relief for our suffering brethren, obtaining redress of our grievances, preventing future dissensions, firmly establishing our rights, and restoring harmony between *Great-Britain* and her colonies on a constitutional foundation.

UNAN. X. That, although a suspension of the commerce of this large trading province, with *Great-Britain*, would greatly distress multitudes of our industrious inhabitants, yet that sacrifice, and a much greater, we are ready to offer for the preservation of our liberties ; but, in tenderness to the people of *Great-Britain*, as well as of this coun-

try, and in hopes that our just remonstrances will, at length, reach the ears of our gracious sovereign, and be no longer treated with contempt by any of our fellow subjects in *England*, it is our earnest desire, that the congress should first try the gentler mode of stating our grievances, and making a firm and decent claim of redress.

XI. RESOLVED, by a great majority, That yet notwithstanding, as an unanimity of counsels and measures is indispensibly necessary for the common welfare, if the congress shall judge agreements of non-importation and non-exportation expedient, the people of this province will join with the other principal and neighbouring colonies, in such an association of non-importation from and non-exportation to *Great-Britain* as shall be agreed on, at the congress.

XII. RESOLVED, by a majority, That if any proceedings of the parliament, of which notice shall be received, on this continent, before or at the general congress, shall render it necessary in the opinion of that congress, for the colonies to take farther steps than are mentioned in the *eleventh* resolve; in such case, the inhabitants of this province shall adopt such farther steps, and do all in their power to carry them into execution.

UNAN. XIII. That the venders of merchandize of every kind, within this province ought not to take advantage of the resolves relating to non-importation in this province or elsewhere ; but that they ought to sell their merchandize, which they now have, or may hereafter import, at the same rates they have been accustomed to do within three months last past.

UNAN. XIV. That the people of this province will break off all trade, commerce, and dealing, and will have no trade, commerce, or dealing of any kind with any colony on this continent, or with any city or town in such colony, or with any individual, in any such colony, city or town, which shall refuse, decline, or neglect to adopt, and carry into execution such general plan as shall be agreed to in congress.

UNAN. XV. That it is the duty of every member of this committee to promote, as much as he can, the subscription set on foot, in the several counties of this province, for the relief of the distressed inhabitants of *Boston*.

UNAN. XVI. That this committee give instructions on the present situation of public affairs to their representatives, who are to meet next week in assembly, and request them to appoint a proper

number of persons to attend a congress of deputies from the several colonies, at such time and place as may be agreed on, to effect one general plan of conduct, for attaining the great and important ends mentioned in the *ninth* resolve.

‡ “ the *ends of government* cannot be answered by a total dissolution of all happiness at present, and of all hopes for the future.”

2dly.—If a *complete* representation was intended by the constitution, every defect in the representation, is against the intention of the constitution. 3dly. If a respectable part of the people in *England* is not represented, it is a defect. 4thly. If therefore, the intention of the constitution is to be regarded as the constitution, it involves a plain absurdity, to infer a greater defect being constitutional, from a smaller defect which is unconstitutional. 5thly. The intention of the constitution must be regarded, and practices inconsistent with its design, must be amended by it, if the happiness which it means to promote and secure, is to be regarded. 6thly. If there is not such a representation in *England*, as the constitution requires, there ought to be. As to the resemblance above supposed. 1st. If many inhabitants of *England* HAVE NOT a right to vote in the choice of members of the house of commons, there are many who HAVE. 2dly. Not one inhabitant of the colonies, has that right. 3dly. Some representation is better than none, though a complete one cannot be obtained. The first, is a defect of mode, the latter an extinction of the substance. There is, to a nice observer of nature, a perceptible difference between a deformed man and a DEAD man. 4thly. Proprietors of the funds, &c. tho' they have no right to such vote, as proprietors, &c. may yet have it under another character, as freeholders, &c. 5thly. When acting as freeholders, &c. they may take care of their interests as proprietors, &c. for—6thly. Their being proprietors, &c. does not disqualify them, from acquiring and enjoying a right to such vote by becoming freeholders, &c. but—7thly. By acquiring and enjoying a right to such vote, the colonists must cease to be inhabitants of the colonies—8thly. Their being inhabitants of the colonies therefore disqualifies them from acquiring and enjoying the right to such vote.—9thly. If those not intitled to such vote in *England* were not bound by statutes made there, they would not be bound by statutes, nor taxed at all, though possess of great property—but 10thly.—The colonists are bound and taxed by the acts of their assemblies. 11thly. Even those not intitled to such vote in *England*, and incapable of obtaining it, have this protection, that representatives and their electors are bound by the laws made, as well as the rest of the people—and the connections between the representatives, their electors, and the rest of the people, all living together in the same kingdom,

‡ HODGLEY'S Disc. on government.

INSTRUCTIONS

FROM THE

COMMITTEE

TO THE

REPRESENTATIVES IN ASSEMBLY MET.

GENTLEMEN,

THE dissensions between *Great-Britain* and her colonies on this continent, commencing about ten years ago, since continually increasing, and at length grown to such an excess as to involve the latter in deep distress and danger, have excited the good people of this province to take into their serious consideration the present situation of public affairs.

THE inhabitants of the several counties qualified to vote at elections, being assembled on due notice, have appointed us their deputies; and in consequence thereof, we being in provincial committee met, esteem it our indispensable duty, in pursuance of the trust reposed in us, to give you such instructions, as, at this important period, appear to us to be proper.

WE, speaking in their names and our own, acknowledge ourselves liege subjects of his majesty king *George the third*, to whom “ we will be faithful and bear true allegiance.”

OUR judgments and affections attach us, with inviolable loyalty, to his majesty’s person, family and government.

WE acknowledge the prerogatives of the sovereign, among which are included the great powers of making peace and war, treaties, leagues and alliances *binding us*———of appointing all officers, except in cases where other provision is made, by grants from the crown, or laws approved by the crown——of confirming or annulling every act of our assembly within the allowed time——and of hearing and determining finally, in council, appeals from our courts of justice. “ The prerogatives are limited,” *as a learned judge observes,——“ by bounds so certain and notorious, that it is impossible to exceed them, without the consent of the people on the one hand, or without, on the other, a violation of that *original contract*,† which, in all

* 1 *Blackstone* 237.

† And though we are strangers to the original of most states, yet we must not imagine that what has been here said, concerning the manner in which civil societies are formed, is an arbitrary fiction. For since it is certain, that all ci-

states impliedly, and in ours most expressly, subsists between the prince and subject.—For these prerogatives are vested in the crown *for the support*

vil societies had a beginning, it is impossible to conceive, how the members, of which they are composed, could unite to live together dependent on a supreme authority, without supposing the covenants above-mentioned.

BURLEMAQUI's *Princ. of pol. law. vol. 2. page 29.*

And in fact, upon considering the primitive state of man, it appears most certain, that the appellations of sovereigns and subjects, masters and slaves, are unknown to nature. Nature has made us all of the same species, all equal, all free and independent of each other; and was willing that those, on whom she has bestowed the same faculties, should have all the same rights. It is therefore beyond all doubt, that in this primitive state of nature, no man has of himself an original right of commanding others, or any title to sovereignty.

There is none but God alone that has of himself, and in consequence of his nature and perfections, a natural, essential, and inherent right of giving laws to mankind, and of exercising an absolute sovereignty over them. The case is otherwise between man and man, they are of their own nature as independent of one another, as they are dependent on God. This liberty and independence is therefore a right naturally belonging to man, of which it would be unjust to deprive him against his will.

Idem, page 38.

There is a beautiful passage of Cicero's to this purpose.^a *Nothing is more agreeable to the supreme Deity, that governs this universe, than civil societies lawfully established.*

When therefore we give to sovereigns the title of God's vicegerents upon earth, this does not imply that they derive their authority immediately from God, but it signifies only, that by means of the power lodged in their hands, and with which the people have invested them, they maintain, agreeably to the views of the Deity, both order and peace, and thus procure the happiness of mankind.

Idem, page 40.

^a Nihil est illi principi Deo, qui omnem hunc mundum regit, quod quidem in terris fiat acceptius, quam consilia coetusque hominum jure sociati, quæ civitates appellantur. *Sonn. Scip. lib. 3.*

of society, and do not intrench any farther on our *natural* liberties, than is expedient for the maintenance of our *civil*.”

BUT it is our misfortune, that we are compelled loudly to call your attention to the consideration of another power, totally different in kind——limited, as it is alledged, by no “ bounds,” and ‡ “ wearing a most dreadful aspect,” with regard to *America*. We mean the power claimed by parliament, of right, to bind the people of these colonies by statutes, “ *in all cases whatsoever*”——a power,

But it will be here objected, that the scripture itself says, that every man ought to be subject to the supreme powers, because they are established by God.^b I answer, with *Grotius*, that men have established civil societies, not in consequence of a divine ordinance, but of their voluntary motion, induced to it by the experience they had had of the incapacity which separate families were under, of defending themselves against the insults and attacks of human violence. From thence (he adds) arises the civil power, which *St. Peter*, for this reason, calls a *human* power,^c though in other parts of scripture it bears the name of a divine institution,^d because God has approved of it as an establishment useful to mankind.^e

All the other arguments, in favour of the opinion we have been here refuting, do not even deserve our notice. In general, it may be observed, that never were more wretched reasons produced than upon this subject, as the reader may be easily convinced by reading *Puffendorf* on the law of nature and nations, who, in the chapter corresponding to this, gives these arguments at length, and completely refutes them.^f

Idem. page 42, 43.

‡ 1 *Blackstone* 270.

^b Rom. xiii. ^c 1 Ep. chap. 2. v. 13. ^d Rom. xiii. 1.

^e *Grotius* of the right of war and peace. book I. chap. 4 sec. 7, 12. No. 3.

^f See the law of nature and nations, book VII. chap. 3.

as we *are not*, and, from local circumstances, *cannot* be represented there, utterly subversive of our natural and civil liberties——past events and reason convincing us, that there never existed, and never can exist, a state *thus* subordinate to another, and yet retaining the slightest portion of freedom or happiness.

THE import of the words above quoted needs no descant ; for the wit of man, as we apprehend, cannot possibly form a more clear, concise, and comprehensive *definition* and *sentence* of slavery, than these expressions contain.

THIS power claimed by *Great-Britain*, and the late attempts to exercise it over these colonies, present to our view two events, one of which must *inevitably* take place, if she shall continue to insist on her pretensions. Either, the colonists will sink from the rank of freemen into the class of slaves, overwhelmed with all the miseries and vices, proved by the history of mankind to be inseparably annexed to that deplorable condition : or, if they have sense and virtue enough to exert themselves in striving to avoid this perdition, they must be involved in an opposition dreadful even in contemplation.

Honour, justice and humanity call upon us to hold, and to transmit to our posterity, that liberty, which we received from our ancestors. It is not our duty to leave wealth to our children: but it is our duty, to leave liberty to them. No infamy, iniquity, or cruelty, can exceed our own, if we, born and educated in a country of freedom, intitled to its blessings, and knowing their value, pusillanimously deserting the post assigned us by Divine Providence, surrender succeeding generations to a condition of wretchedness, from which no human efforts, in all probability, will be sufficient to extricate them; the experience of all states mournfully demonstrating to us, that when arbitrary power has been established over them, even the wisest and bravest nations, that ever flourished, have, in a few years, degenerated into abject and wretched vassals.

So alarming are the measures already taken for laying the foundations of a despotic authority of *Great-Britain* over us, and with such artful and incessant vigilance is the plan prosecuted, that unless the present generation can interrupt the work, *while it is going forward*, can it be imagined, that our children, debilitated by our imprudence and supineness, will be able to overthrow it, *when completed*? Populous and powerful as these colonies may grow, they will still find arbitrary domination

not only strengthening with their strength, but exceeding, in the swiftness of its progression, as it ever has done, all the artless advantages that can accrue to the governed. *These* advance with a regularity, which the divine Author of our existence has impressed on the laudable pursuits of his creatures : but despotism, * unchecked and unbounded by *any laws*——never satisfied with what has been done, while any thing remains to be done, for the

* As virtue is necessary in a republic, and in a monarchy honor, so fear is necessary in a despotic government : with regard to virtue, there is no occasion for it, and honor would be extremely dangerous.

Here the immense power of the prince is devolved intirely upon those to whom he is pleased to intrust it. Persons capable of setting a value upon themselves would be likely to create revolutions. Fear must therefore depress their spirits, and extinguish even the least sense of ambition.

MONTESQUIEU'S Spirit of Laws, vol. I. book III. chap. 9.

An idea of despotic power.

When the savages of Louisiana are desirous of fruit, they cut the tree to the root, and gather the fruit.‡ This is an *emblem* of despotic government.

Idem. book V. chap. 13.

The principle of despotic government is fear ; but a timid, ignorant, and faint spirited people have no occasion for a great number of laws.

Every thing ought to depend here on two or three ideas ; therefore there is no necessity that any new notions should be added. When we want to break a horse, we take care not to let him change his master, his lesson, or his pace. Thus an impression is made on his brain by two or three motions and no more.

Idem. book V. chap. 14.

‡ Edifying letters, II coll. p. 315.

accomplishment of its purposes——confiding, and capable of confiding, only *in the annihilation of all opposition*—holds its course with such unabating and destructive rapidity, that the world has become its prey, and at this day, *Great-Britain* and her dominions excepted, there is scarce a spot on the globe inhabited by civilized nations, where the vestiges of freedom are to be observed.

To us therefore it appears, at this alarming period, our duty to God, to our country, to ourselves, and to our posterity, to exert our utmost ability, in promoting and establishing harmony between *Great-Britain* and these colonies, *on a constitutional foundation*.

For attaining this great and desirable end, we request you to appoint a proper number of persons to attend a congress of deputies from the several colonies, appointed, or to be appointed, by the representatives of the people of the colonies respectively in assembly, or convention, or, by delegates chosen by the counties generally in the respective colonies; and met in provincial committee, at such time and place as shall be generally agreed on : and that the deputies from this province may be induced and encouraged to concur in such measures, as may be devised for the common welfare, we think it proper, particularly to inform you, how far, we

apprehend, they will be supported in their conduct by their constituents.

[In this place was inserted the argumentative part, which in this publication is called " An Essay."]

THE assumed parliamentary power of internal legislation, and the power of regulating trade, as of late exercised, and designed to be exercised, we are thoroughly convinced, will prove unfailing and plentiful sources of dissensions to our mother country and these colonies, unless some expedients can be adopted to render her secure of receiving from us every emolument, that can in justice and reason be expected, and us secure in our lives, properties, and an equitable share of commerce.

MOURNFULLY revolving in our minds the calamities, that, arising from these dissensions, will most probably fall on us and our children, we will now lay before you the particular points we request of you to procure, if possible, to be finally decided; and the measures that appear to us most likely to produce such a desirable period of our distresses and dangers. We therefore desire of you——

FIRST. That the Deputies you appoint, may be instructed by you strenuously to exert them-

selves, at the ensuing congress, to obtain a renunciation, on the part of *Great-Britain*, of all powers under the statute of the 35th of *Henry* the eighth, chapter the 2d.—of all powers of internal legislation—of imposing taxes or duties internal or external—and of regulating trade, except with respect to any new articles of commerce, which the colonies may hereafter raise, as silk, wine, &c. reserving a right to carry these from one colony to another—a repeal of all statutes for quartering troops in the colonies, or subjecting them to any expence on account of such troops—of all statutes imposing duties to be paid in the colonies, that were passed at the accession of his present majesty, or before this time; which ever period shall be judged most adviseable—of the statutes giving the courts of admiralty in the colonies greater power than courts of admiralty have in *England*—of the statutes of the 5th of *George* the second, chapter the 22d, and of the 23d of *George* the second, chapter the 29th—of the statute for shutting up the port of Boston—and of every other statute particularly affecting the province of *Massachusetts-Bay*, passed in the last session of parliament.

IN case of obtaining these terms, it is our opinion, that it will be reasonable for the colonies to engage their obedience to the acts of parliament com-

monly called the acts of navigation, and to every other act of parliament declared to have force, at this time, in these colonies, other than those above mentioned, and to confirm such statutes by acts of the several assemblies. It is also our opinion, that taking example from our mother country, in abolishing the “ courts of wards and liveries, tenures “ in capite, and by knight’s service, and purvey-
“ ance,” it will be reasonable for the colonies, in case of obtaining the terms before mentioned, to settle a certain annual revenue on his majesty, his heirs and successors, subject to the controul of parliament, and to satisfy all damages done to the *East-India* company.

THIS our idea of settling a revenue, arises from a sense of duty to our sovereign, and of esteem for our mother country. We know and have felt the benefits of a subordinate connexion with her. We neither are so stupid as to be ignorant of them; nor so unjust as to deny them. We have also experienced the pleasures of gratitude and love, as well as advantages from that connexion. The impressions are not yet erased. We consider her circumstances with tender concern. We have not been wanting, when constitutionally called upon, to assist her to the utmost of our abilities; insomuch that she has judged it reasonable to make us recompences for our overstrained exertions: and we now

think we ought to contribute more than we do, to the alleviation of her burthens.

WHATEVER may be said of these proposals on either side of the *Atlantic*, this is not a time, either for timidity or rashness. We perfectly know, that the great cause now agitated, is to be conducted to a happy conclusion, only by that well tempered composition of counsels, which firmness, prudence, loyalty to our sovereign, respect to our parent state, and affection to our native country, united must form.

By such a compact, *Great-Britain* will secure every benefit, that the parliamentary wisdom of ages has thought proper to attach to her. *From her alone* we shall continue to receive manufactures.——*To her alone* we shall continue to carry the vast multitude of enumerated articles of commerce, the exportation of which, her policy has thought fit to *confine to herself*. *With such parts of the world only*, as she has appointed us to deal, we shall continue to deal; and *such commodities only*, as she has permitted us to bring from them, we shall continue to bring. The *executive* and *controuling* powers of the crown will retain their present full force and operation. We shall contentedly labour for her as affectionate *friends*,

in time of tranquility ; and cheerfully spend for her, as dutiful *children*, our treasure and our blood, in time of war. She will receive a *certain income* * from us, without the trouble or expence of collecting it—without being constantly disturbed by complaints of grievances, which she cannot justify, and will not redress. In case of war, or in any

* The train of officers, employed by *Great-Britain*, consume a very large part of what she takes from us. She therefore increases our distresses to make up for that consumption. They will hereafter grow more and more oppressive, we more and more uneasy, she more and more disturbed. We could raise the same sum in a much more *easy, equal, and cheap* manner, than she can do. The attention of small states extends much more efficaciously and beneficially to every part of the territories, than that of the administration of a vast empire. The representatives in assembly, *who are taxed, when the people are taxed, and accountable to them*, will have double motives to take care, that the *raising and expending* money is managed in the best way. The house of commons would not bear to *examine every particular* relating to the just taxation of *every county* on this continent, and to *settle all the accounts fairly*. If they could go through the immense labour, it would be impossible for them to do any other business. In short, by not doing it, they would be *unjust* ; by doing it, they would be *useless*. Equity and reason demonstrate, that such a power belongs not to them. We have had remarkable instances on this continent some few years ago, of the crown being *according to all the forms of business* charged with articles, that never went to the use of the crown. These were *perquisites*, and who could be so puritanical as to blame the civil word. It is said, our barracks cost about £.8000 of this money—and that the barracks at *another place*, not deserving a comparison with ours, cost £.40,000 sterling. We built our own, *ourselves*, and were as saving and careful as we could be, it may be supposed. If money is raised upon us by parliament ; of one thousand pounds, taken out of our pockets, not one hundred, in all probability, will be usefully applied to the service of the crown. Deficiencies will ensue—they must be supplied—other acts are made—still others—till our ^h “ *unrepresented blades of grass*,” too fre-

^h Speech of Lord Camden. 1 Blackstone, 270.

find ourselves obliged to oppose that system of dominion over us, arising from counsels pernicious both to our parent and her children—to strive if it be possible, to close the breaches made in our former concord—and stop the sources of future animosities.—And may God Almighty, who delights in the titles of *just* and *merciful*, incline the hearts of all parties to that equitable and benevolent temper, which is necessary, solidly to establish peace and harmony, in the place of confusion and dissension.

THE legislative authority claimed by parliament over these colonies consists of two heads—first, a general power of internal legislation ; and secondly, a power of regulating our trade ; both, she contends are unlimited. Under the first, may be includ-

Great-Britain to despise the advantages she actually receives with safety from us, because by the adoption of Spanish maxims, she might with danger extort more ?

It is the duty of every colonist to oppose such maxims. They threaten ruin to our mother country and to us. We should be guilty of treason against our sovereign and the majesty of the people of *England*, if we did not oppose them. *England* must be saved in *America*. Hereafter, she will rejoice that we have resisted—and thank us for having offended her. Her wisdom will in a short time discover, the artifices that have been used by her worst enemies to enflame her against her dutiful children ; that she has supported not her own cause, but the cause of an administration ; and will clearly distinguish, which will most conduce to her benefit, safety, and glory, *well treated and affectionate colonies, or millions of slaves, an unnatural increase of her standing forces, and an addition to the influence of the crown, defying all calculation.*

casions, if we or our posterity shall refuse, neglect or decline thus to contribute, it will be a mean and manifest violation of a plain duty, and a weak

preciating the public debts and funds, buying them of the holders at half their worth, and afterwards by interest getting them paid in full. Pretending to give up all power in recommending to places for a consideration, and then insisting on recommending still, and so getting both ways. Rolling over losses upon the crown, or public, while the gain was to sink into private pockets. A father stopping a large sum in his own hand, which was to have been paid the public creditors. Before he can be brought to account, he dies. The money sinks into the pocket of his heir. He obtains a pardon of all his father's debts. Gross frauds in office found out. Then new officers and salaries set up as checks. The new prove as great knaves as the old, and form a scheme of collusion and mutual understanding. But the public pays for all, and the power of the court is strengthened. An old placeman begs leave to sell. Pockets the money, and by and by, through interest, gets a new place gratis. Extravagant men squander their own money in their public employments of ambassadors, governors, &c. and charge the public with more than they have really spent, while what they really spent was ten times more than necessary. The business of old offices transferred to new : but the profits of the old still kept up, though become sinecures. An old servant of the public retires upon a pension. He who succeeds him, by interest, gets it continued to him. Another gets an addition to his salary, and then sells his place for a great deal more than it cost him, and so an additional load is laid on the public : for the addition must be continued, because the place was bought. An annual sum is granted by the public for a public use, as keeping up a harbour, or the like. A private man, by interest, gets a grant of the job : the public concern is neglected, and the public pocket picked. Crown lands perpetually begged and given away to strengthen the court interest. The crown constantly kept in debt, and parliament solicited to pay those debts occasioned merely by the voracity of the court. Commanders of fleets order a superfluous quantity of stores. By collusion between them and the store-wasters, this superfluous quantity is sold again to the king, and the money sunk in their pockets. Sometimes the store-masters gave receipts for more than was received into the king's stores, and the money was divided among the plunderers. The king's works done by the day, whereas it would

and wicked desertion of the true interests of this province, which ever have been and must be bound up in the prosperity of our mother country. Our union, founded on mutual compacts and mutual

have been cheaper by the great. Money pretended to be coined *gratis*. Lists of large sums newly coined produced. But the contrivance was to make the pieces unequal, and then the too heavy pieces were carried back to the mint, and the profit sunk in private pockets, &c.

Secret services is a huge cloak thrown over an immense scene of corruption; and under this cloak we must not peep. Our court-men tell us, there must be large sums expended in this way, and those sums cannot be accounted for; because the services done for them must never be known. But we find, that the commons A. D. 1708 addressed queen Anne for accounts of pensions paid for *secret service* to members of parliament, or to any persons in trust for them; and that "the queen ordered said account to be laid before the house."^m

Contracts are a great fund of ministerial influence. It is well known, that our ministry do not accept the most reasonable offer; but the offer which is made by those who have the greatest parliamentary interest; and that in war time, every man, who furnishes for the government, is enriched; in France the contrary; which shews, that we manage our public money much worse than the French ministry do theirs. In the late war it is notorious, that several of our purveyors and commissaries got estates sufficient to set them up for earls and dukes. But as Burnesⁿ says, "the regard, that is shewn to members of parliament among us, causes that few abuses can be inquired into, or discovered."

POL. DISQU. book V. page 274—277.

What redress could a poor plundered, unrepresented colony obtain against a *Ferres*, supported by a strong parliamentary influence. We know what several governors of *Minorca* have dared to do. A governor of *Gibraltar* has ventured to oppress even the garrison of that important place. The very drudgery of examining accounts, would probably secure him. If cast, the injuries could not be recompensed. A successor might prove as bad—"Fictrix provincia plorat." The victorious province weeps.

^m DES. COM. IV. 119. ⁿ HIST. OWN TIMES, III. 279.

benefits, will be indissoluble, at least more firm, than an union perpetually disturbed by disputed rights and retorted injuries.

SECONDLY. If all the terms abovementioned cannot be obtained, it is our opinion, that the measures adopted by the congress for our relief should *never* be *relinquished* or *intermitted*, until *those* relating to the troops,—internal legislation,—imposition of taxes or duties hereafter,—the 35th of *Henry* the 8th, chapter the 2d,——the extension of admiralty courts,—the port of *Boston* and the province of *Massachusetts-Bay*, are obtained. Every modification or qualification of *these* points in our judgment, should be inadmissible. To obtain them, we think it may be prudent to settle some revenue as above-mentioned, and to satisfy the *East-India* company.

THIRDLY. If neither of these plans should be agreed to, in congress, but some other of a similar nature shall be framed, though on the terms of a revenue, and satisfaction to the *East-India* company, and though it shall be agreed by the congress to admit no modification or qualification in the terms they shall insist on, we desire your deputies may be instructed to concur with the other deputies in it; and we will accede to, and carry it into execution as far as we can.

FOURTHLY. As to the regulation of trade——we are of opinion, that by making some few amendments, the commerce of the colonies might be settled on a firm establishment, advantageous to *Great-Britain* and them, requiring and subject to no future alterations, without mutual consent.——We desire to have this point considered by the congress; and such measures taken, as they may judge proper.

IN order to obtain redress of our common grievances, we observe a general inclination among the colonies of entering into agreements of non-importation and non-exportation. We are fully convinced, that such agreements would withhold very large supplies from *Great-Britain*, and no words can describe our contempt and abhorrence of those colonists, if any such there are, who, from a sordid and ill-judged attachment to their own immediate profit, would pursue that, to the injury of their country, in this great struggle for all the blessings of liberty. It would appear to us a most wasteful frugality, that would lose every important possession by too strict an attention to small things, and lose also even these at the last.——For our part, we will cheerfully make any sacrifice, when necessary, to preserve the freedom of our country. But other considerations have weight with us.——We wish every mark of respect to be paid to his ma-

jesty's administration. We have been taught from our youth to entertain tender and brotherly affections for our fellow subjects at home. The interruption of our commerce must distress great numbers of them. This we earnestly desire to avoid. We therefore request, that the deputies you shall appoint may be instructed to exert themselves, at the congress, to induce the members of it, to consent to make a full and precise state of grievances and a decent yet firm claim of redress, and to wait the event, before any other step is taken. It is our opinion, that persons should be appointed and sent home to present this state and claim, at the court of *Great-Britain*.

If the congress shall choose to form agreements of non-importation and non-exportation immediately, we desire the deputies from this province will endeavour to have them so formed as to be binding upon all, and that they may be *PERMANENT*, should the public interest require it. They cannot be *efficacious*, unless they can be *permanent*; and it appears to us that there will be a danger of their being infringed, if they are not formed with great caution and deliberation. We have determined in the present situation of public affairs to consent to a stoppage of our commerce with *Great-Britain* only; but in case any proceedings of the parliament, of which notice shall be received on this continent,

before or at the congress, shall render it necessary, in the opinion of the congress to take further steps, the inhabitants of this province will adopt such steps, and do all in their power to carry them into execution.

THIS extensive power we commit to the congress, for the sake of preserving that unanimity of counsel and conduct, that alone can work out the salvation of these colonies, with a strong hope and trust, that they will not draw this province into any measure judged by us, who must be better acquainted with its state than strangers, highly inexpedient. Of this kind, we know any other stoppage of trade, but of that with *Great-Britain*, will be. Even this step we should be extremely afflicted to see taken by the congress, before the other mode above pointed out is tried. But should it be taken, we apprehend, that a plan of restrictions may be so framed, agreeable to the respective circumstances of the several colonies, as to render *Great-Britain* sensible of the imprudence of her counsels, and yet leave them a necessary commerce. And here it may not be improper to take notice, that if redress of our grievances cannot be wholly obtained, the extent or continuance of our restrictions may, in some sort, be proportioned to the rights we are contending for, and the degree of relief afforded us. This mode will render our *opposition as perpetual*.

as our *oppression*, and will be a *continual claim and assertion of our rights*. We cannot express the anxiety, with which we wish the consideration of these points to be recommended to you. We are persuaded, that if these colonies fail of unanimity or prudence in forming their resolutions, or of fidelity in observing them, the opposition by non-importation and non-exportation agreements will be ineffectual; and then we shall have only the alternative of a more dangerous contention, or of a tame submission.

UPON the whole, we shall repose the highest confidence in the wisdom and integrity of the ensuing congress: and though we have, for the satisfaction of the good people of this province, who have chosen us for this express purpose, offered to you such instructions, as have appeared expedient to us, yet it is not our meaning, that by these or by any you may think proper to give them, the deputies appointed by you should be restrained from agreeing to any measures, that shall be approved by the congress. We should be glad the deputies chosen by you could, by their influence, procure our opinions hereby communicated to you to be as nearly adhered to, as may be possible: but to avoid difficulties, we desire that they may be instructed by you, to agree to any measures that shall be approved by the congress, the inhabitants

ledged by the parent state, a power since frequently recognized by her,——subject to the controul of

their numbers what they would? No, certainly; for that is nothing more than supposing they should throw off their allegiance to hoes and spades, and coats and shoes, which is absurd to imagine: can any one imagine that a rebellion can be carried on among a people, when the greatest success must be attended with the loss of half the necessities of life!

“ The following, among other effects relative to this point, would be the consequences of the *plan* sketched out in the preceding section.

“ The people would depend on *Britain* for those necessities of life which result from manufactures.

“ The cultivation of staples would be more profitable to them than any other employment whatever.

“ The sale of those staples would depend on *Britain*.

“ The people would all be spread over an immense country as planters;—none of them collected in towns. ^c

“ To which circumstances I shall add, in respect to *Britain's* further policy.

“ That she should abide by the boundaries fixed already to the old colonies, that of the rivers heads; and all further settling to be in *new colonies*, wherever they were traced.

“ That she should keep the inland navigation of the continent, that is, of all the great lakes and navigable rivers, to herself, and not suffer any sets of men

^c “ This point, which is of infinite importance, would pretty fully be occasioned by other parts of the plan. But, to ensure so great a point, no new towns should be suffered, nor even villages; than which nothing could be easier to manage: nor would they be any where necessary, but by the magazines of naval stores for loading ships. All possible decrease of numbers in the cities already in being, should be effected.——So systematically absurd is it to found towns and cities, as *Britain* has hitherto constantly done, in all the colonies she has formed.”

A N

E S S A Y, * &c.

THE authority of parliament has within these few years been a question much agitated ; and great difficulty, we understand, has occurred, in tracing the line between the rights of the mother country and those of the colonies. The modern doctrine of the former is indeed truly remarkable ; for though it points out, what *are not* our rights, yet we can never learn from it, what *are* our rights. As for example——*Great-Britain* claims a right to take away nine-tenths of our estates——have we a *right*

* This piece has been written in such haste, under so great indisposition, and amidst such a confusion of public affairs, that it is hoped, its inaccuracies will be looked upon with indulgence. If longer time could have been bestowed upon its correction, it would have been at least shorter, if not more exact. The first appointment of a committee to form a draught of instructions, was made on the fourth of last month. See note on the extract, dated the 18th of July.

to the remaining tenth ? No.—To say we have, is a “ traiterous” position, denying her supreme legislature. So far from *having property*, according to these late found novels, *we are ourselves a property*.

WE pretend not to any considerable share of learning ; but, thanks be to divine Goodness, common sense, experience, and some acquaintance with the constitution, teach us a few salutary truths on this important subject.

WHATEVER difficulty may occur in tracing the line, yet we contend, that by the laws of God, and by the laws of the constitution, a line there must be, beyond which her authority cannot extend. For all these laws are ‡ “ grounded on reason, full of justice, † and true equity,” mild, and calculated to promote the freedom and welfare of men. These

‡ PARLT. Deb. 7. 409. “ What of that ? Shall not we give judgment, because it is not adjudged in the books before ? We will give judgment *according to reason*, and if there be no reason in the books, I will not regard them.”

Speech of *Anderson*, lord chief justice of the queen’s bench, in the reign of *Elizabeth*.
GOULDSB. REF. 96. edit. 1653.

† “ It seems to me, that the *natural justice*, which is a duty of man, ought to be stiled the *parent, and nourisher, of every other virtue* : and assuredly, without this habit, a man can neither moderate his desires, nor be brave, nor wise. For, it is a *harmony*, and peace, of the whole soul ; with a full concert of words, and actions : and the dominion of such a habit may be rendered more conspicu-

Britain would have been reduced to, had *James* the first and his family succeeded in their scheme

still influenced the council. Upon application for a relaxation of the edicts, it was said, that *moderation had only made matters worse*, and the observation of them was again enjoined upon *more severe penalties* than before.

“ At length an ASSOCIATION was entered into, for mutually defending each other. This being signed by above 400 persons of quality, who all protested, that they meant nothing but the honor of God, the glory of the king, and the good of their country, they met and PETITIONED, that the *proclamation might be revoked*: but the king would consent to no mitigation. Good advice was given to him. But the duke *D’Alva’s* violent counsel, *who proposed the entire abolishment of the liberties of the provinces*^f was most pleasing, and followed. The cruel duke was sent into the *Low Countries* with a powerful army. The counts *D’Egmont* and *Horn*, were immediately seized, on a pretence that they had underhand, spirited up the people’s *disaffection*. They were afterwards executed. All who had signed the *association* or *petition* were declared guilty of **§ HIGH TREASON**, and answerable for what had happened. A council, called from its cruel proceedings, ^h THE COUNCIL OF BLOOD, was erected for trying the accused, *from which there was no appeal*. (NOTE WELL) *Alva* himself tried the accused *in their own country*, where their *friends* and *witnesses* might attend them,—where the pains of death itself might be mitigated, by seeing with their dying eyes, that they expired beloved and lamented. Here the disciples exceed their tutor. This is too great a consolation to be indulged to a colonist. He must be carried 3000 miles across the ocean——that he may not only die, but be insulted in his last moments, with the mockery of a trial, where the clearest innocence stands no chance of acquittal, and with the formality of a sentence founded on a statute past before the colonies existed. On the approach of the army, the prince of *Orange* and other lords fled; and being summoned to appear before the council, in default thereof were condemned,

^f “ LAY THEM AT MY FEET.” Lord *North’s* speech.

[§] Sec. Gen. *Gage’s* proclamation.

^h Resolutions in parliament for trying colonists in *England*. *Rhode Island* Court. Late acts for *Massachusetts-Bay*.

of arbitrary power. Changing the word *Stuarts* for *parliament*, and *Britons* for *Americans*, the

and their estates confiscated. *Aloa* treated all, the *innocent* and *guilty* with such rigor, that it gave rise to the following saying of a *Spanish* officer—" *Heretici fraxerunt templa; boni nihil faxerunt contra: ERGO omnes debent patibulari.*"

Puffendorf's introduction—Art. "Spain" and "the United Provinces."

Sir *William Temple's* account of the disturbances in the *Low Countries* agrees exactly with the foregoing extracted out of *Puffendorf*, by which it will appear with what a surprising exactness of resemblance the affairs of the colonies have been carried on by administration.

"The war with *France* being concluded, it was resolved to keep up the troops in these provinces, and that the states should support them, which by a long course of war was grown customary." When *Philip* would have put *Spanish* garrisons into some of their towns; and for the sake of their admitting them quietly, gave the command to the Prince of *Orange* and Count *Egmont*; they told him plainly, "that all the brave stands they had made against the power of *France*, availed them but little, if they must at last be enslaved by another foreign power." *Puff.* "The hatred of the people, the insolence of the troops, with the charge of their support, made them looked upon by the inhabitants in general, as the instruments of their oppression and slavery, and not of their defence, when a general peace had left them no enemies: and therefore the states began here their complaints, with a general consent and passion of all the nobles, as well as towns and country. And upon the delays that were contrived or fell in, the states first refused to raise any more monies either for the *Spaniards* pay, or their own standing troops: and the people ran into so great despair, that in *Zealand* they absolutely gave over the working at their dykes, suffering the sea to gain every tide upon the country, and resolving, as they said, rather to be devoured by that element, than by the *Spanish* soldiers; so that at last the king consented to their removal. Another grievance was the appointment of new judges, ¹ and those absolutely depending on the king, &c."

¹ Admiralty courts. *Rhode-Island*, court for enforcing the statute of 35 Hen. 8. Act for regulating the government of *Massachusetts-Bay*. Act for administration of justice, &c.

“ *evident consequence*,” that a tendency to diminish the happiness of the people, is a proof, that power exceeds a “boundary,” beyond which it ought not to “go;” the matter is brought to this single point, whether taking our money from us without our consent, depriving us of trial by jury, changing constitutions of government, and abolishing the privilege of the writ of *habeas corpus*, by seizing and ‡ carrying us to *England*, have not a greater tendency to diminish our happiness, than any enormities a king can commit under pretence of prerogative, can have to diminish the happiness of the subjects in *England*. To come to a decision upon this point, no long time need be required. To make this comparison, is stating the claim of parliament in the most favourable light : for it puts

‡ “ Of great importance to the public is the preservation of this personal liberty : for if once it were left in the power of any, the highest magistrate, to imprison *arbitrarily*, whomever he or his officers thought proper, (as in *France* it is daily practised by the crown) *there would soon be an end of all other rights and immunities.*”——“ A natural and regular consequence of this personal liberty is, that every *Englishman* may claim a right to abide in his own country so long as he pleases, and not to be driven from it unless by the sentence of law. Exile or transportation is a punishment *unknown to the common law.*”——“ The king cannot constitute a man lord lieutenant of *Ireland* against his will, nor make him a foreign ambassador. For this might in reality be no more than an honorable exile.”

I BLACKSTONE, 135 to 138.

“ These precedents collected by the reverend and learned judge, chief justice *Anderson*, and all written with his own hand, do fully resolve for the maintenance of the ancient and fundamental point of liberty of the person, to be regained by *habeas corpus*, when any one is imprisoned.”

PARL. Hist. 7. 418.

ing they now enjoy, apply with inexpressible force and appositeness, in maintenance of our cause, and

was constant to what he had determined. *Alva* was in his nature cruel and inexorable. The new army was fierce and brave, and desirous of nothing so much as a rebellion in the country. The people were enraged, but awed and unheaded. All was seizure and process;—confiscation and imprisonment;—blood and horror;—insolence and dejection;—punishments executed, and meditated revenge. The smaller branches were lopped off a pace; the great ones were longer a hewing down. Counts *Egmont* and *Horn* lasted several months; but at length, in spite of all their services to *Charles* the fifth, and to *Philip*, as well as of their new merits in quieting of the provinces, and of so great supplications and intercessions as were made in their favour, both in *Spain* and *Flanders*, they were publicly beheaded at *Brussels*, which seemed to break all patience in the people; and by their end to give those commotions a beginning, which cost *Europe* so much blood, and *Spain* a great part of the low country provinces. The war begun, *Alva* had at first great success. Moved with no rumors, terrified with no threats from a broken and unarmed people, and thinking no measures or forms were any more necessary to be observed in the provinces; he pretends greater sums are necessary for the pay and reward of his victorious troops than were annually granted upon the king's request by the states of the provinces: (Note, Here our ministers have again improved upon *Philip's*; for they have taxed us, without making requests.)ⁿ And therefore demands a general tax of the hundredth part of every man's estate, to be raised at once: and for the future, the twentieth of all immovable, and the eighteenth of all that was sold. The states with much reluctance consent to the first, as a thing that ended at once. They petition the king, but without redress; draw out the year in contests, sometimes stomachful, sometimes humble with the governor: till the duke, impatient of delay, causes the edict, without consent

ⁿ Another advantage the *British* ministers have over the *Spanish* in depth of policy, is very remarkable. *Spain* was a great empire. The Low Countries a mere speck, compared with it. *Spain* was not a maritime state that depended upon them for the supply of her revenue. Had they been sunk in the sea, she would scarcely have felt the loss. Her prospect of success was almost certain. *France*, her then inveterate enemy, exhausted by a civil war, and divided into two powerful parties. Every circumstance is directly the reverse to *Great-Britain* in her present contest with the colonies. "Siquidem verissimum est, ignem tectis injicere, et injecto spatium modumque. Statuere, non esse in ejusdem manu."

We further observe, that the constitution has not expressly drawn the line beyond which, if a king, shall "go," resistance becomes *lawful*. The learned author of those commentaries, that notwithstanding some human frailties, do him so much honour, has thought proper, when treating of this subject, to point out the "*precedent*" of the revolution, as fixing the line. We would not venture any reflection on so great a man. It may not become us. Nor can we be provoked by his expressions concerning colonists; because they perhaps contain his real, though hasty sentiments. Surely, it was not his intention to condemn those excellent men, who casting every tender consideration behind them, nobly presented themselves against the tyranny of the unfortunate and misguided *Charles's* reign; those men, whom the house of commons, even after the restoration, would not suffer to be censured.

WE are sensible of the objection that may be made, as to drawing a line between rights on each side, and the case of a plain violation of rights.—We think it not material. Circumstances have *actually* produced, and may again produce this question.——What conduct of a prince renders resistance lawful? *James* the second and his father violated *express rights of their subjects*, by doing what *their own express rights* gave them no

sition, that, "to live by one man's † will, became the cause of all men's misery," they generously suffered.—And the worthy bishop before men-

† *Hooker*. "For a man to be tenant at will of his liberty, I can never agree to it. It is a tenure, not to be found in all *Littleton*."

Speech of sir *Edward Coke*.

"*Etiam si dominus non sit molestus, tamen miserrimum est, posse si velit.*"

CICERO.

—————"The free,
Know no gentle tyranny."

Rowe.

The whole country of the seven *United Provinces* is not as large as one half of *Pennsylvania*: and when they began their contest with *Philip* the second for their liberty, contained about as many inhabitants as are now in the province of *Massachusetts-Bay*. *Philip's* empire then comprehended in *Europe*, all *Spain* and *Portugal*, the two *Sicilies*, and such provinces of the *Low Countries* as adhered to him—many islands of importance in the *Mediterranean*—the *Milanese* and many other very valuable territories in *Italy* and elsewhere. In *Africa* and *Asia*, all the dominions belonging to *Spain* and *Portugal*—in *America* the immense countries subject to those two kingdoms, with all their treasures and yet unexhausted mines, and the *Spanish West-Indies*. His armies were numerous and veteran, excellently officered, and commanded by the most renowned generals. So great was their force, that during the wars in the *Low Countries*, his commander in chief the prince of *Parma*, marched twice into *France*, and obliged that great general and glorious king *Henry* the fourth, to raise at one time the siege of *Paris*, and at another, that of *Roan*. So considerable was the naval power of *Philip*, that in the midst of the same wars, he fitted out his dreadful armada to invade *England*. Yet seven little provinces, or counties, as we should call them, inspired by one generous resolution—"to die free, rather than to live slaves," not only baffled, but brought down into the dust, that enormous power, that had contended for universal empire, and for half a century, was the terror of the world. Such an amazing change indeed took place, that those provinces afterwards actually protected *Spain* against the power of *France*.

the miserable alternative of supplication or violence. And these, it seems, are the liberties of *Americans*.—*Because* the constitution has not “*expressly declared*” the line between the rights of the mother country and *those* of her colonists, *therefore*, the latter have *no rights*.—A logic, equally edifying to the heads and hearts of men of sense and humanity.

WE assert, a line there must be, and shall now proceed with great deference to the judgment of others, to trace that line, according to the ideas we entertain : and it is with satisfaction we can say, that the records, statutes, law-books, and most approved writers of our mother country, those “*dead but most faithful counsellors*” (as sir *Edward Coke* calls them) “*who cannot be daunted by fear, nor muzzled by affection, reward, or hope of preferment, and therefore may safely be believed,*” confirm the principles we maintain.

LIBERTY, life, or property, can, with no consistency of words or ideas, be termed a *right* of the *possessors*, while *others* have a *right* of taking them away *at pleasure*. The most distinguished authors, that have written on government, declare it to be “*instituted for the benefit of the people ;*” “*and that it never will have this tendency, where*

“ it is *unlimited*.” Even conquest* itself is held not to destroy all the rights of the conquered. Such is the merciful reverence judged by the best and

* “ But in order to say something more particular concerning this subject, let us observe that the natural state of nations in respect to each other, is that of society and peace. This society is likewise a state of equality and independence, which establishes a parity of right between them; and engages them to have the same regard and respect for one another. Hence the general principle of the law of nations is nothing more than the general law of sociability, which obliges all nations that have any intercourse with one another, to practise those duties to which individuals are naturally subject.

“ These remarks may serve to give us a just idea of that art, so necessary to the directors of states, and distinguished commonly by the name of *polity*. Polity considered with regard to foreign states, is that ability and address by which a sovereign provides for the preservation, safety, prosperity and glory of the nation he governs, by respecting the laws of justice and humanity; that is, without doing any injury to other states, but rather by procuring their advantage, as much as in reason can be expected. Thus the polity of sovereigns is the same as prudence among private people; and as we condemn in the latter any art or cunning, that makes them pursue their own advantage to the prejudice of others, so the like art would be censurable in princes, were they bent upon procuring the advantage of their own people by injuring other nations. The *reason of state*; so often alledged to justify the proceedings or enterprises of princes, cannot really be admitted for this end, but inasmuch as it is reconcileable with the common interest of nations, or which amounts to the same thing, with the unalterable rules of sincerity, justice, and humanity.”

“ *Grotius* indeed acknowledges that the law of nature is common to all nations; yet he establishes a positive law of nations contradistinct from the law of nature; and reduces this law of nations to a sort of human law, which has acquired a power of obliging in consequence of the will and consent of all or of a great many nations.^o He adds, that the maxims of this law of nations are proved by the perpetual practice of people, and the testimony of historians.

^o See *Grotius*, rights of war and peace: preliminary discourse, sect. 18. and book I. chap. I. sect. 14.

wisest men to be due to human nature, and frequently observed even by conquerors themselves.

PROTECTION and obedience are reciprocal duties.

" But it has been justly observed that this pretended law of nations, contra-distinct from the law of nature, and invested nevertheless with a force of obliging, whether people consent to it or not, is a supposition destitute of all foundation.^P

" For 1. all nations are with regard to one another in a natural independence and equality. If there be therefore any common law between them, it must proceed from God their common sovereign.

" 2. As for what relates to customs established by an express or tacit consent among nations, these customs are neither of themselves, nor universally, nor always obligatory. For from this only that several nations have acted towards one another for a long time after a particular manner in particular cases, it does not follow that they have laid themselves under a necessity of acting always in the same manner for the time to come, and much less that other nations are obliged to conform to these customs.

" 3. Again ; these customs are so much the less capable of being an obligatory rule of themselves, as they may happen to be bad or unjust. The profession of a corsair or pirate, was by a kind of consent, esteemed a long while as lawful, between nations that were not united by alliance or treaty. It seems likewise, that some nations allowed themselves the use of poisoned arms in time of war.^Q Shall we say that these were customs authorised by the law of nations, and really obligatory in respect to different people ? Or shall we not rather consider them as barbarous practices ; practices from which every just and well governed nation ought to refrain. We cannot therefore avoid appealing always to the law of nature, the only one that is really universal, whenever we want to judge whether the customs established between nations have any obligatory effect.

^P See Puffendorf, law of nature and nations, book 2. chap. 3. sect. 23. with Barbeyrac's notes.

^Q See Virgil, *Æneid*, book 10. verse 139. with the 15th note of the *des Fontaines*.

stance of these colonies may be added : for stating the case, that no act of internal legislation over them had ever been past by *Great-Britain*, her wisest statesmen would be perplexed to shew, that she or the colonies would have been less flourishing than they now are. What benefits such a power may produce hereafter, time will discover. But the *colonies are not dependent on Great-Britain*, it is said, if she has not a supreme unlimited legislature over them. "I would ask these loyal subjects of the king (says the author of a celebrated invective against us)† what king it is, they *profess* themselves to be loyal subjects of? It cannot be his present most gracious majesty, *George* the third, king of *Great-Britain*, for his title is founded on *an act of parliament*, and they will not surely acknowledge that parliament can give them a king, which is of all *others*, the highest act of sovereignty, when they deny it to have power to tax or bind them in any other case ; and I do not *recollect*, that there is any act of assembly, in any of the colonies for settling the crown upon king *William*, or the illustrious house of *Hanover* *." "Curious reasoning this."

† See note on these words—"Therefore a power of regulating our trade, involves not in it the idea of a supreme legislature over us."

* "The *controversy* between *Great-Britain* and her colonies reviewed." The learned gentleman who wrote this piece, has thought proper to quit his argument, step out of his way, personally abuse and severely attack the writer of

the people have no share, ‡ is proved to be, by reason and the experience of all ages and countries, cannot be a *rightful* or *legal* power. For, as an excellent bishop of the church of *England* argues,

Sherborn dying, the heir claiming the same by descent according to the law, it was, before the conqueror himself, adjudged for the heir, and that the gift thereof by the conqueror was void." † PARL. DEBATES, 7 vol. page. 384.

See also *Puffendorf's* law of nature and nations, book. 3. chap. 8. and book. 8. chap. 6.

‡ "In a free state, every man, who is supposed a *free agent*, ought to be, in some measure *his own governor*, and therefore a branch, at least of the *legislative power ought to reside in the whole body of the people*. And this power, when the territories of the state are small and its citizens easily known, should be expressed by the people in their aggregate or collective capacity, as was wisely ordained in the petty republics of *Greece*, and the first rudiments of the *Roman state*. But this will be highly inconvenient, when the public territory is extended to any considerable degree, and the number of citizens is increased. In so large a state as ours, it is therefore very wisely contrived that the people should do that by their representatives, which it is impracticable to perform in person."

I BLACKSTONE, 158. 159.

The above quoted words are sufficient of themselves to refute the notion of "virtual representation" of *Americans* in parliament.

As to the argument drawn from the similitude between the case of *those in England*, not qualified to vote by their property, though possessed of a considerable share, as proprietors of the funds—the *East-India* company—merchants—manufacturers, &c. and the case of colonists, the true answer is, that there is no resemblance whatever between the cases. A few propositions will prove it: but it may be proper to premise—Ist. If *representation* was intended by the constitution of *England*, a complete representation was intended; for the reason of having *any*, requires having a complete one, as being the *best*.

† See Davis's reports, Lond. 1628. page 41.

Henry the seventh, chapter the 1st, in favour of a king *de facto*.—Probably the 12th and 13th of *William the 3d*, chapter the 2d, “for the further limitation of the crown, &c.” is intended. And, is

the colonies “BY ACT OF PARLIAMENT.” Pages 23, 24. *Answer*. The propriety of this supposition is denied, and remains to be proved. “Absurdities and contradictions” are plentifully attributed to the writer of the letters, because he will not acknowledge, that the power of parliament “to regulate trade, and preserve the connection of the whole empire in due order,” involves in it a power to “tax the colonies,” or “to put them to any expense,” parliament *shall please*. A person of such sagacity as the author of the controversy, might plainly have perceived, if his resentment had not prejudiced his candor, that the writer of the letters, was unwilling to give up any point, which he *then* thought essential to the freedom and welfare of his country, and at the same time was ⁹ unwilling to propose any new subject of dispute. Justly has the

⁹ “If any person shall imagine that he discovers, in these letters, the least dislike of the dependence of these colonies on *Great-Britain*, I beg that such person will not form any judgment on *particular expressions*, but will consider the *tenor of all the letters taken together*. In that case, I flatter myself, that every unprejudiced reader will be *convinced*, that the true interests of *Great-Britain* are as dear to me, as they ought to be to every good subject.

“If I am an *enthusiast* in any thing, it is in my zeal for the *perpetual dependence* of these colonies on their mother country.—A dependence founded on *mutual benefits*, the continuance of which can be secured only by *mutual affections*. Therefore it is, that with extreme apprehension I view the smallest seeds of discontent, which are unwarily scattered abroad. *Fifty or sixty years* will make astonishing alterations in these colonies; and this consideration should render it the business of *Great-Britain* more and more to cultivate our good dispositions towards her: but the misfortune is, that those *great men* who are wrestling for power at home, think themselves very slightly interested in the prosperity of their country *fifty or sixty years* hence, but are deeply concerned in blowing up a popular clamour for supposed *immediate advantages*.

“For my part, I regard *Great-Britain* as a *bulwark*, happily fixed between these colonies and the powerful nations of *Europe*. That kingdom remaining safe, we, under its protection, enjoying peace, may diffuse the blessings of religion, science, and liberty, through remote wildernesses. It is therefore *incontestibly our duty*, and our *interest*, to support the strength of *Great-Britain*.

THE just inference therefore from these premises, would be an exclusion of *any* power of parliament over these colonies, rather than the admission of an *unbounded* power.

are so many and so intimate, that even the *actually unrepresented* cannot be affected, unless the *representatives* and *their electors* are affected also. 12thly. Totally different is the condition of colonists, if bound by statutes generally.—By the acts of parliament for raising a revenue in *America*, the commons use the words, “*give and grant.*” Can men give and grant what they have not? Did any of those acts take a single penny out the pocket of a single *giver* and *grantor*? No. So far from it, that if there is any truth in the proverb, and money saved is money got, these “*dona ferentes*” gentlemen put money into their pockets by their “loyal and dutiful” generosity. *Every individual* of them acquired by bestowing. Pretensions *thus* to *give*, are such contradictions to fact and sense, that in *making* them a sanction of injustice is sought from a principle of the constitution, and in *describing* them, a solecism in speech becomes a proper expression. It must be acknowledged however, that the commons are more than sound divines, for they improve upon the text, ^e and “*count their loss for gain.*”

Statutes might grind us, while not an *elector* in *England* would know or regard our sufferings—if acquainted with them, he might think the statutes inflict—ing them, JUST and POLITICAL. An open avowal has been made in parliament—that it is ^u “the indispensable duty of parliament, TO TAX THE COLONIES in order to ease the gentry and people of Great-Britain.” Let not *Americans* ever forget the *lordly* words! To understand them *fully* we should consider—

Our dispute includes not only the present taxes laid upon us. The universal property of *England* was interested in mr. *Hampden's* suit, about a few shillings. If the crown had a right to *those* shillings, it had a right to *every* shilling of *every* man in the kingdom. *Great-Britain* is about ONE HUNDRED AND FORTY MILLIONS OF POUNDS STERLING in debt. If she can pay

^s Preambles to statutes for raising a revenue in *America*.

^t *Philippians* iii 7.

^u These words are extracted from the protest of the lords on the repeal of the *American* stamp-act—sec. 6.—61 lords were against the repeal, 33 of them signed the protest.

what force is added by their insertion? The settlement of the crown of *England*, includes the settlement of the sovereignty of the colonies. King *William* is mentioned—and will the gentleman

page. 25. *Answer.* American understandings discover no inconsistency in the idea of "a state being dependent, and yet perfectly free," and their temper is so moderate that they would be content with that degree of freedom, which is compatible with a dependence. If the proposition puzzles *British* understandings, it is presumed to be, because *Britons* will not give themselves the trouble to think of any dependence, but of *such* as is destructive of *all* freedom; though they themselves are dependent in some measure on others. 4ly. The writer of the letters says—"if money be raised upon us by *others* without our consent for our defence, those who are the judges in levying it must also be the judges in applying it. [Or consequence, the money, *said* to be taken from us for our defence, may be employed to our injury. We may be ^r chained in by a line of fortifications—obliged to pay for the building and maintaining them—and be told that they are for our defence] With what face can we dispute the fact after having granted that those who *apply* the money, had a right to *levy* it? For surely it is much easier for their wisdom to understand how to apply it in the best manner, than how to levy it in the best manner. Besides the right of levying is of infinitely more consequence than *that of applying*. The people of *England*, who would burst out into fury if the crown should attempt

^r The probability of this measure taking place, is confirmed by the CANADA bill, a political device so extraordinary, as to excite surprise even in those colonists who live in the year 1774. By this bill, it is said, the legislative power is lodged in the governor and a few men, not less than seventeen nor more than twenty-three, appointed and removeable by the crown; and the government becomes wholly military.—Trials by jury are abolished, though multitudes of *English* subjects settled there on the encouragement given by the king's proclamation in 1763.—The *French* laws are restored, and all the country on the back of these colonies is added to *Canada*, and put under the same military government. This is indeed to be "chained in." Nothing is wanting to complete the plan, but our money, to defray the expence of erecting strong holds among our woods and mountains, and to bribe our *Indians*; and then the expression of "*beating our swords into plough-shares*" will be reversed in an extraordinary manner; for our "*plough-shares*" will furnish the very "*swords*" that are to cut our own throats.

pendence on her. As well we know the accusation to be utterly false. We are become criminal in the sight of such persons, by refusing to be guilty of the highest crime against ourselves and our posterity. *Nolumus leges Angliæ mutari.* This is the rebellion with which we are stigmatized.—[We have committed the like offence, that was objected by the polite and humane *Fimbria*, against a *rude* senator of his time. We have “*disrespectfully* refused to receive the *whole* weapon into our body.” We could not do it, *and live*. But *that* must be acknowledged to be a poor excuse, equally inconsistent with good breeding and the supreme legislature of *Great-Britain*.]

For these ten years past we have been incessantly * attacked. Hard is our fate, when, to escape the character of rebels, we must be degraded into

Yet this most despicable notion has been the *pretence*, for our fellow subjects^v clapping muskets to our breasts, and taking our money out of our pockets.

* 4 Geo. 3, chap. 15. 4 Geo. 3, chap. 34. 5 Geo. 3, chap. 12. 5 Geo. 3, chap. 45. 6 Geo. 3, chap. 12. 6 Geo. 3, chap. 52. 7 Geo. 3, chap. 41. 7 Geo. 3, chap. 46. 7 Geo. 3, chap. 59. 8 Geo. 3, chap. 22. The resolves that colonists may be tried in *England* under the 35 Hen. 8.—The blockade of *Boston*—the *Rhode-Island* court, &c. &c.

^v “*Win their hearts, and you may soon have their hands and purses,*” was the advice of old lord *Burleigh* to queen *Elizabeth*. She was wise enough to take it. The world knows the consequences.

a right in parliament to bind the colonies by statutes "in all cases whatsoever." In such great points, the conduct of a people is influenced *solely* by a regard for their freedom and happiness. The colonies have no other head than the king of *England*. The person who by the laws of that realm, is king of that realm, is our king.

parliament. (which by the law of *England* are appropriated, and ought to have been employed in the common profit of the whole realm) many large sums of money, during the times of such heavy taxes upon the people, have been diverted under the head of *secret services*, and for salaries, bounties and pensions, &c." v

Some other unfairnesses there are in this famous piece, that need only be viewed, to be refuted; but of which, it may be said, if a "precedent" established by the respectable gentleman himself, can procure pardon for the expression, that "they are not intitled to notice." How could he venture to assert as he does, that—"the purpose of the letters was to excite resentment in the colonies against their parent country, and to push them on to a separation from her." The letters prove the contrary. Few men have expressed a warmer zeal for the connexion, than the writer of them! Yet his reputation is to be attacked on every account, and a charge even of *disloyalty* directly levelled against him. The author is welcome to take what other licenses he pleases in his reprehensions of the writer; but he ought not to have denied his integrity. Their intentions must stand the test of a tribunal, that decides for eternity. May they then appear equally pure.

True indeed are those words of lord *Clarendon*.—"Let no honest man that is once entered into the lists, think, he can by any skill or comportment, prevent these conflicts and assaults—but let him look upon it as a purgatory he is unavoidably to pass through; and constantly performing the duties of justice, integrity, and uprightness, depend upon PROVIDENCE, and time, for a vindication.

v Address of the house of commons to queen *Anne*.

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To return to the charge against us, we can safely appeal to that Being, from whom no thought can be concealed, that our warmest wish and utmost ambition is, that we and our posterity may ever remain subordinate to, and dependent upon our parent state.—This submission our reason approves, our affection dictates, our duty commands, and our interest enforces.

If this submission indeed implies a dissolution of our constitution, and a renunciation of our liberty, we should be unworthy of our relation to her, if we should not frankly declare, that we regard it with * horror; and every true *Englishman* will ap-

to protect and to oppress PROTESTANT countries—to abhor a *large standing army*, and yet voluntarily to put herself under the absolute necessity, of perpetuating an *immensely large one*, to govern the many millions of slaves she expects soon to have on this vast continent. Two of the shrewdest, though not best emperors, that ever lived, *Augustus* and *Tiberius*, prohibited every man of distinction from setting his foot in *Egypt*,^w because of the importance of that province to *Rome*. But *Great-Britain*, as if these numerous provinces, much more remote from her, than *Egypt* from *Rome*, were of little consequence, willingly obliges herself to trust a mighty armed power into the hands of a subject, in these colonies, the tempting interest of which subject and of the people, may engage them to unite in establishing an independent empire, on her own model. *Great-Britain* ought not to forget, that *Rome* was ruined by keeping standing armies in her provinces.

* The *Privernates* had revolted from the *Romans*, but were reduced. The question was, what judgment should be given against them. This is *Livy's* account of the glorious affair, in the 21st chapter of his 8th book.

^w Tac.

ment.——Colonists may “surely” be acknowledged to speak with truth, and precision, in answer to the “elegantly” exprest question—“*what king it is,*” &c. by saying that “his most gracious majesty *George the third,*” *is* the king of *England*, and therefore, “*the king,*” they——profess themselves to be “*loyal subjects of?*”

WE are aware of the objection, that, “if the king of *England* is therefore king of the colonies, they are subject to the general legislative authority of that kingdom.” The premises by no means warrant this conclusion. It is built on a mere supposition, that the colonies are thereby acknowledged to be *within the realm*, and on an incantation expected to be wrought by some magic force in those words. To be subordinately connected with *England*, the colonies *have contracted*. To be subject to the general legislative authority of that kingdom, they *never contracted*. Such a power as may be necessary to *preserve this connection* she has.—The authority of the *sovereign*, and the authority of controuling our intercourse with *foreign nations* form that power. *Such a power* leaves the colonies free. But a general legislative power, is not a power to preserve that connection, but to distress and enslave them. If the first power cannot subsist, without the last, she has no right even to the first,——the colonies were deceived in their con-

nies, from their slender beginnings in the last century to their late flourishing condition, and how prodigiously, since their settlement, our parent state has advanced in wealth, force and influence, till she is become the first power on the sea, and the envy of the world—that these our better days should not strike conviction into every mind, that the freedom and happiness of the colonists are not inconsistent with her authority and prosperity.

THE experience of more than one hundred years will surely be deemed, by wise men, to have some weight in the scale of evidence to support our opinion. We might justly ask of her, why we are not permitted to go on, as we have been used to do since our existence, conferring mutual benefits, thereby strengthening each other, more and more discovering the reciprocal advantages of our connection, and daily cultivating affections, encouraged by those advantages?

[WHAT unknown offences have we committed against her within these ten years, to provoke such an unexampled change in her conduct towards us? In the last war, she acknowledged us repeatedly, to be faithful, dutiful, zealous and useful in her cause. Is it criminal in us, that our numbers, by the favour of Divine Providence, have greatly increased? That the poor choose to fly from their

ference to its own peculiar circumstances. † The
/ common law extends to colonies ; yet mr. justice

† The learned judge, (in vol. I. pag. 107.) says this country was not “ *uninhabited* when discovered and planted by the English, &c. but ought to be considered as a *conquered, ceded, or infidel* country. Our *American* plantations are principally of this latter sort, being obtained in the last century, either by right of *conquest* and *driving out* the natives (with what natural justice, I shall not at present inquire) or by *treaties* : and therefore the common law of *England*, as such, has no allowance or authority there, they being *no part* of the mother country, but distinct (though dependent) dominions. They are subject however to the controul of the parliament.”

According to this doctrine, the colonists are considered in a *legal view* by the parent state, “ as *infidels* or *conquered people*,” not as her children with her consent establishing societies for her benefit. Though not a single man of the “ *infidels* or *conquered*” people, should now be found to reside in each colony ; yet a political contagion is communicated to *Englishmen in secula seculorum*, because *Indians* once fished in the rivers, and hunted in the woods. If *this* be their “ *condition*,” then according to the law laid down by the judge, “ they are subject not only to the controul of *parliament*,” but the “ *king* may alter and impose what laws *he pleases*.” †

It is not known, what the learned judge means by the word “ *principally*,” perhaps he alludes to the ill directed *humanity* and *justice* of the first settlers of some colonies, who purchased the lands from the natives, for valuable and satisfactory considerations. It was a very useless exercise of their virtues, for their posterity. If they had *by accident* settled an “ *uninhabited*” country, the invaluable rights of the common law would have attended them ; but when they *dared* to obtain a settlement by *humanity* and *justice*, they *forfeited* all rights of the common law to the latest succeeding ages. *Can this be law* ? Every case quoted by the judge, it is humbly apprehended, makes a distinction between states or societies composed of *English subjects*, and those composed of “ *conquered*” people, &c. and that *this* is the only distinction warrantable by those cases.

† I Blackstone, 107, and the cases there cited.

pable of union, except against a common danger, she knew, that we could not think of embarking our treasures of tranquility and liberty, on an ocean of

What was argument in *Italy*, is reality to *Great-Britain*, with this additional circumstance in her favour, that she must always continue, if she wisely conducts her affairs, though less than *all*, yet greater than *any*. The immense advantages of such a situation, are worthy the closest attention of every *Briton*. To a man, who has considered them with that attention, perhaps it will not appear too bold to aver, that, if an archangel had planned the connection between *Great-Britain* and her colonies, he could not have fixed it on a more lasting and beneficial foundation, unless he could have changed human nature. A mighty naval power at the head of the whole—that power, a parent state, with all the endearing sentiments attending the relationship—that never could disoblige, but with design—the dependent states much more apt to have feuds among themselves—she the umpire and controulr—those states producing every article necessary to her greatness—their interest, that she should continue free and flourishing—their ability to throw a considerable weight into the scale, should her government get *UNDULY POISED*—she and all those states *PROTESTANT*—are some of the circumstances, that delineated by the masterly hand of a *Beccaria*, would exhibit a plan, vindicating the ways of heaven, and demonstrating that humanity and policy are nearly related. An *Alexander*, a *Cæsar*, a *Charles*, a *Lewis*, and others, have fought through fields of blood, for universal empire. *Great-Britain* has a certainty, by population and commerce alone, of attaining to the most astonishing and well founded power the world ever saw. The circumstances of her situation are new and striking. Heaven has offered to her, glory and prosperity without measure. Her wise ministers disdain to accept them—and prefer—“a pepper corn.”

So directly opposite to the interest of *Great-Britain*, has the conduct of administration been for some time past, that it may safely be affirmed, that if their view was, to establish arbitrary power over *Great-Britain*, schemes more dangerous could not have been laid. To profess this purpose, would ensure a defeat. Any man, who had such a design, would first take the opportunity of peace, TO SET ONE PART OF THE SUBJECTS AGAINST THE OTHER.—This might be done in the following manner.

¶ Mr. Nugent's speech.

blood, in a wandering expedition to some *Utopian* port. The history of mankind, from the remotest antiquity furnishes not a single instance of a people

Let every session of parliament produce a fresh injury. Give no rest, or hope of rest. Let insult added to insult, fill up the vacancies between the sessions. *Tease and persecute into opposition.* Then let ministers themselves rejoice in the freedom of the press. Let every action of the oppressed be exaggerated. *Let innumerable false invectives be vented in pamphlets and news-papers.* Let all the provocations and excuses be concealed from public sight as much as possible. Load the devoted with the terms of *traitors and rebels.* Nearly in this way *Scotland* was treated by the arbitrary ministry of *Charles* the first. But the parliament and people of *England* had common sense and virtue. *The base deception could not pass upon them.* They saw the snare laid for them; and resented it so deeply, that an army of *Englishmen* fled before an army of *Scotchmen* at *Newburn.* For once it was glorious to fly. But it required *English* heads and *English* hearts to understand and to act the part.

Thus the colonies have been treated. At last a civil war may be worked up. It should be considered, as lord *Mansfield* expresses it—whether “the play is worth the candle.” In such a war, every victory will be a defeat. If the colonies are subdued, vast sums must be raised, and a prodigious army must be supported, to keep them in subjection. *Great-Britain* must feel the weight of that influence, added to the power of the crown. The colonies are increasing. Who can compute the extent and effect of such an influence? * Undone by her

* “But, on the other hand, it is to be considered, that every prince, in the first parliament after his accession, has by long usage a truly royal addition to his hereditary revenue settled upon him for his life; and has never any occasion to apply to parliament for supplies, but upon some public necessity of the whole realm. This restores to him that constitutional independence which at his first accession seems, it must be owned, to be wanting. And then, with regard to power, we may find perhaps that the hands of government are at least sufficiently strengthened; and that an *English* monarch is now in no danger of being overborne by either the nobility or the people. The instruments of power are not perhaps so open and avowed as they formerly were, and therefore are the less liable to jealous and invidious reflections; but they are not the weaker upon that account. In short, our national debt and taxes (besides the inconveniencies before-mentioned) have also in their natural consequences thrown such a weight of power into the executive scale of government, as we cannot think was intended by our patriot ancestors; who gloriously struggled

consisting of husbandmen and merchants, voluntarily engaging in such a phrensy of ambition. Now Our highest pride and glory has been, with humble

victories, she *must* resign her LIBERTY to some future monarch with her colonies, unless she first loses them in another way. If she is unfortunate, public calamities may make great changes. Such changes seem to be intended by some men. *Great-Britain* has been led into the *rubicon*. She has not yet past it.—We consider the hostilities already practised, as the manœuvres of a ministerial war. We know the machinations formed against us, and the favourite publications industriously spread abroad, to excite a jealousy of us among our *British* brethren. We know how acceptable to many an earthquake would be to “sink some of the colonies in the ocean”—and how pleasing, to employ the rest “in raising staple commodities:” that we are thought “too numerous,” and

for the abolition of the then formidable parts of the prerogative, and by an unaccountable want of foresight established this system in their stead. *The entire collection and management of so vast a revenue, being placed in the hands of the crown, have given rise to such a multitude of new officers, created by and removeable at the royal pleasure, that they have extended the influence of government to every corner of the nation. Witness the commissioners, and the multitude of dependents on the customs, in every port of the kingdom; the commissioners of excise, and their numerous subalterns, in every inland district: the postmasters, and their serpants, planted in every town, and upon every public road; the commissioners of the stamps, and their distributors, which are full as scattered and full as numerous; the officers of the salt duty, which, though a species of excise, and conducted in the same manner, are yet made a distinct corps from the ordinary managers of that revenue; the surveyors of houses and windows; the receivers of the land tax; the managers of lotteries; and the commissioners of hackney coaches; all which are either mediately or immediately appointed by the crown, and removeable at pleasure without any reason assigned: these, it requires but little penetration to see, must give that power, on which they depend for subsistence, an influence most amazingly extensive. To this may be added the frequent opportunities of conferring particular obligations, by preference in loans, subscriptions, tickets, remittances, and other money transactions, which will greatly increase this influence; and that over those persons whose attachment, on account of their wealth, is frequently the most desirable. All this is the natural, though perhaps the unforeseen, consequences of erecting our funds of credit, and to support them, establishing our present perpetual taxes: the whole of which is intirely new since the restoration in 1660; and by far the greatest part since the revolution in 1688. And the same may be said with regard to*

unsuspecting duty* to labour in contributing to elevate her to that exalted station, she holds among the nations of the earth, and which, we still ardently desire and pray, she may hold, with fresh accessions of fame and prosperity, till time shall be no more.

how much it would be judged by some for the interest of *Great-Britain*, if a pestilence should sweep off "a million and a half" of us. These wonderful incubations have not escaped us. But here we are, by Divine Providence, three millions of souls. What can be done with us? If we were to be considered,

the *officers* in our numerous army, and the places which the army has created. All which put together, gives the executive power so persuasive an energy with respect to the persons themselves, and so prevailing an interest with their friends and families, as will amply make amends for the loss of external prerogative.

"But, though this profusion of offices should have no effect on individuals, there is still another newly acquired branch of power; and that is, not the influence only, but the *force of a disciplined army*: paid indeed ultimately by the people, but immediately by the crown; raised by the crown, officered by the crown, commanded by the crown. They are kept on foot it is true only from year to year, and that by the power of parliament; but during that year they must, by the nature of our constitution, if raised at all, be at the absolute disposal of the crown. And there need but few words to demonstrate how great a trust is thereby reposed in the prince by his people. A trust, that is more than equivalent to a thousand little troublesome prerogatives.

"Add to all this, that, besides the *civil list*, the *immense revenue* of almost seven millions sterling, which is annually paid to the creditors of the public, or carried to the sinking fund, is first deposited in the royal exchequer, and thence issued out to the respective offices of payment. This revenue the people can never refuse to raise, because it is made perpetual by act of parliament; which also, when well considered, will appear to be a trust of great delicacy and high importance."

I BLACKSTONE'S COM. book I. chap. 8. page 334—336.

* It has been suggested, "that subjects sometimes err, by not believing that princes mean as well as they do."—But the instances are numerous, where princes and their courtiers err, by not believing, that subjects mean as well as they do.

so requiring. A regard for that grand object perpetually animates the constitution, and regulates

or legal? Would not such a sentiment directly oppose those principles, his benevolence induced him to take so much pains to vindicate and establish? Would the sound of the words—"dependence—" "subordination—" "within the realm—" "part of the dominions—" &c. have convinced him, that it was "the indispensable duty of parliament to ease the gentry and people of *Great-Britain* by *TAXING* the colonists without their consent?"—and that it was the indispensable duty of the colonists *on constitutional principles* to submit to such taxation? The learned say that the too rigid attention of the mind to one idea sometimes is the cause of madness. So rigid has been the attention of many heads in *Great-Britain* to the idea of *dependence*, that it seems to have occasioned a kind of insanity in them; and by ruminating, specchifying, and enacting about it and about it, they have lost all ideas of justice, humanity, law and constitution, and in short of every quality that used to distinguish men from the rest of this creation, and *Englishmen* from the rest of mankind. But mr. *Locke's* understanding, even in the present whirl of the political world, would have preserved him, just and tenacious of his principles. The case he puts, and on which the author of "the controversy" argues, is that of a *submission to the terms of government in a commonwealth*. The question between *Great-Britain* and the colonies, is, *what are the terms of their connection under all the circumstances of it.*

It is not recollected that mr. *Locke* ever insinuates, that the parliament of *Great-Britain* might bind the people of *Ireland* by statutes, "*in all cases whatsoever.*" Yet there was in his time a famous dispute concerning the authority of parliament over that kingdom. So far was he from favouring the claim of parliament, that it is hoped, it can clearly be proved, he favoured the other side of the question.

His friend mr. *Molineux*, in a letter dated *March 15, 1697-8*, tells him of his intentions to visit him—when he could get loose from business: "but this I cannot hope for, till the parliament in *England* rises. I should be glad to know from you, when that is expected, for indeed they bear very hard upon us in *Ireland*. How justly they can bind us, *without our consent and representatives*, I leave the author of the two treatises on government to consider"

find ourselves obliged to oppose that system of dominion over us, arising from counsels pernicious both to our parent and her children—to strive if it be possible, to close the breaches made in our former concord—and stop the sources of future animosities.—And may God Almighty, who delights in the titles of *just* and *merciful*, incline the hearts of all parties to that equitable and benevolent temper, which is necessary, solidly to establish peace and harmony, in the place of confusion and dissension.

THE legislative authority claimed by parliament over these colonies consists of two heads—first, a general power of internal legislation ; and secondly, a power of regulating our trade ; both, she contends are unlimited. Under the first, may be includ-

Great-Britain to despise the advantages she actually receives with safety from us, because by the adoption of Spanish maxims, she might with danger extort more?

It is the duty of every colonist to oppose such maxims. They threaten ruin to our mother country and to us. We should be guilty of treason against our sovereign and the majesty of the people of *England*, if we did not oppose them. *England* must be saved in *America*. Hereafter, she will rejoice that we have resisted—and thank us for having offended her. Her wisdom will in a short time discover, the artifices that have been used by her worst enemies to enflame her against her dutiful children ; that she has supported not her own cause, but the cause of an administration ; and will clearly distinguish, which will most conduce to her benefit, safety, and glory, *well treated and affectionate colonies, or millions of slaves, an unnatural increase of her standing forces, and an addition to the influence of the crown, defying all calculation.*

ed among other powers, those of forbidding us to
 † worship our Creator in the manner we think most
 acceptable to him——imposing taxes on us——
 collecting them by their own officers——inforcing
 the collection by admiralty courts or courts martial
 ——abolishing trials by jury——establishing a
 standing army‡ among us in time of peace, with-

† See *Canada bill*.

‡ The army under the command of general GAOR, in the province of *Mas-*
sachusetts-Bay alone, amounts to several thousand men——kept there *without*
consent of their assembly, and to be augmented as the general shall think proper.

“ I must own, sir, I can see but one reason for raising at this present juncture,
 this additional number of troops, and that is to strengthen the hands of the
 minister against the next elections, by giving him the power of disposing of
commissions to the *sons*, brothers, nephews, cousins, and friends of such as have in-
 terest in boroughs into some of which perhaps, troops may be sent to procure
 the free election of their members, in imitation of the late Czarina sending
 her troops into *Poland* to secure the free election of a king.

“ But still there is one thing more fatal than all I have yet named, that *must*
 be the consequence of so great a body of troops being kept on foot in *England*,
 and *will be the finishing stroke to all our liberties*. For as the towns in *England* will
 not be able much longer to contain quarters for them, most of those who keep
 public houses being near ruined by soldier's billeted on them; so on *pretence of the*
necessity of it, barracks will be built for quartering them, which will be as so
many fortresses with strong garrisons in them, erected in all parts of *England*, which
will tend to nothing, but by degrees to subdue and enslave the kingdom.

“ But if ever this scheme should be attempted, it will be incumbent on
 every *Englishman* to endeavour to prevent it by *all* methods, and as it would be
the last stand that could be ever made for our liberties, rather than suffer it to
 be put in execution, IT WOULD BE OUR DUTY TO DRAW OUR SWORDS, AND
 NEVER PUT THEM UP, till our liberties were secured, and the authors of our intend-

out consent of our assemblies——paying them

ed slavery brought to condign punishment.——I hope I shall be forgiven, if during the debates I shall take the liberty of speaking again ; for *I am determined to fight inch by inch, every proposition that tends, as I think this does, to the enslaving my country.*"

Lord Viscount GAGE's Speech in 1739. Parl. Deb. book 11th, pag. 388.
See *Montesq.* on standing armies.

A minister declared in the house of commons, that he should " always consider it as a part of the constitution, that the military should act under the civil authority." But, by order, the commander in chief of the forces has precedence of a governor, in the province under his government. By his majesty's order, transmitted in a letter dated the 9th of February, 1765, from the secretary of state to the commander in chief, it is declared, " that the orders of the commander in chief, and under him, of the brigadiers-general, commanding in the northern and southern departments, *in all military affairs, shall be SUPREME*, and must be obeyed by the troops, as such, *in all the civil governments in America.* That in cases, *where no specific orders* have been given by the commander in chief, or by the brigadier-general commanding in the district, the civil governor in council, and where no council there subsists, the civil governor, *may, for the benefit of his government,* give orders for the marching of troops, the disposition of them, for making and marching detachments, escorts, and such purely military services within his government, *to the commanding officer of the troops, who is to give proper order for carrying the same into execution : PROVIDED they are not contradictory to, or incompatible with,* any order he may have received from the commander in chief, or the brigadier-general of the district."

In May, 1769, the house of representatives for *Massachusetts-Bay*, requested governor Bernard " to give the necessary and effectual orders for the removal of the forces by sea and land out of the port of Boston, and from the gate of the city, during the session of the said assembly ;" to which he answered——" gentlemen, I have no authority over his majesty's ships in this port, or his troops within this town, nor can I give any orders for their removal.

May 31, 1769.

Fra. Bernard."

with our money—seizing our young men* for recruits—changing constitutions of government†—

Thus, our governors, the captains-general and commanders in chief, representing the sovereign, and known to the constitution of these colonies, are deprived of their legal authority, *in time of peace, by an order—and a perpetual dictatorial power* established over us. To accomplish this great purpose, it was thought proper during the last war, to change the mode of granting military commissions, and to pass that to the general in *America under the great seal*. It is not known, whether this uncommon formality has been observed with regard to the *major-generals of the respective "DISTRICTS."*

* The *Germans* have been justly celebrated in different ages, for sagacity in promoting the arts, and for martial spirit; yet how unhappy have they been made in a short period of time, by that single engine of arbitrary power, a *standing army*. Their distress was wrought up to such a degree, that thousands, and tens of thousands, relinquished their native country, and fled to the wildernesses of *America*.—It was a way of thinking and acting that became them. For *Germans* may truly be called the *fathers of Englishmen*. From *Germany* came their ancestors, and the first principles of the constitution. *Germans* therefore seem to be more justly intitled than other foreigners to the blessings of that constitution. To enjoy them, in this free country as it then was, they came here, but now unfortunately find, *arbitrary government* and a *standing army* pursuing them even into these woods. Numbers of them now in these provinces, have served in the armies of the several princes in *Germany*, and know well, that one reason with their rulers, for putting swords into their hands was to cut the throats of their own fathers, brothers, and relations who should attempt to relieve themselves from any part of their miseries. Their former sovereigns are now completing, it is said, the cruel tragedy of tyranny. They will not suffer those they have made wretched, to seek for a more tolerable existence in some other part of the globe. It is their DUTY, say these unfeeling princes, "to be unhappy, and to renounce all hopes of relief." They are prohibited from leaving their country. Those who have already escaped

† Bill for changing the constitution of *Massachusetts-Bay*.

§ 1 BLACKSTONE, page. 147.

an *Aristotle* could not prove, the point of a *Cromwell's* sword sufficiently demonstrated. Innocence and justice sighed and submitted——what more could they do? The restoration took place, and a *legal* parliament would not doubt but it had as extensive a right as an *illegal* one. The revolution succeeded, and with it *methods* for blending together the powers of the king and people in a manner before unknown. A new political alembic was fixed on the great principle of resistance, and in it, severe experiments were to be made on every other principle of the constitution. How the *boldness of ministers* and *contempt of the people* have increased since that period, not a man the least acquainted with *English* history can be ignorant. The colonies were in a state of infancy——still in a state of childhood. Not a single statute concerning them is recollected to have been past before the revolution, but such as related to the regulation of trade. “Precedents” were afterwards made, that, when they grew up, the authority of a *master* might succeed that of a *parent*.

PRECEDENTS, it is apprehended, are no otherwise regarded in the *English* laws than as they establish *certainty for the benefit of the people*——according to the maxim——“miserable is the servitude when the laws are *uncertain*.” Precedents militating against the welfare or happiness of a peo-

IN our provincial legislatures, the best judges in all cases what suits us——founded on the im-

Great-Britain shut up in a large workhouse, constantly kept at labour, in procuring such materials as she prescribes, and wearing such clothes as she sends.—Should she ever adopt the measure abovementioned, and on our complaints of grievances, withhold food from us—what then? why then, on her principle—it would be our *right*——TO BE STARVED. To say in such case we should have any other *right*, would be a “*traiterous and rebellious* denial of the supreme legislature of *Great-Britain*,” for she “has power *of right* to bind us by statutes in all cases whatsoever.”

Let not any person object that the supposition of such a case is the suggestion of fancy. The *Carthaginians*, those masters in the sublime politics of commerce—politics that have produced so many dreadful scenes upon earth, forbid the *Sardinians* to raise corn, in order to keep them in due subjection. The *East-Indies*, *St. Vincent*, the proceedings at *Rhode-Island*, and the *Boston* act, &c. give rise to many alarming apprehensions in *America*. There are few men on this continent would be as much surprized at that measure, as at some late measures. The beginning justifies any apprehensions. Power debauches the affections. The improbability of cases happening, is no answer in such important considerations. The laudable spirit of commerce may be inflamed into rapacity and cruelty in a nation as well as in an individual.—We must regard the power claimed by *Great-Britain*, not solely her will or contingencies depending on that will. If she affixes no limits to her power, why should we affix any to its effects? “I know (says Mr. *Hoadly*) it is next to impossible, that any such case should happen: but if such things be said, and such cases, in effect, be put, it is necessary to speak, upon the supposition of such cases.—And methinks it is but a narrow spirited proceeding in us to go just no farther in our notions, than a compliance with our own present condition forceth us; to exclude from our regard the condition of all other nations, and all cases, but just that, which hath happened last of all in our own.”

That the plan of governing us, by withholding necessities of life, has been considered, and in what light colonies are viewed at home, the following extracts will partly shew.

this is a practice inconsistent with, and in direct opposition to the *first and clearest principles of the law*"†——to those *feelings of humanity*, out of which mankind will not *be reasoned*, when power advances with gigantic strides, threatening dissolution to a state——to those *inherent, though latent powers of society*, which no *climate*, ‡ no *time*, no constitution, no *contract*, can ever destroy or diminish."‡

A PARLIAMENTARY power of *internal legislation* over these colonies, appears therefore to us, equally contradictory to humanity and the constitution, and illegal.

† Letter on general warrants.—

‡ 1 Blackstone, page 245

‡ *Equal distribution of justice, and free enjoyment of property, are the great objects of society: and no time, precedent, statute, or institution should deter men from keeping these UPPERMOST in their thoughts.*"

Mr. Hume's History of England.

"The jurisdiction of the star chamber, martial law, imprisonment by warrants from the privy council, and other practices of a like nature, though *established for several centuries*; were scarce ever allowed by the *English* to be parts of their constitution: *the affection of the nation for liberty still prevailed over all precedent, and over all political reasoning*: the exercise of these powers, after being long the source of secret murmurs among the people, was, in fulness of time, solemnly abolished, as illegal, at least as oppressive, by the whole legislative authority." id. To these instances may be added the late practice of general warrants that had the sanction of precedents, even since the revolution.

grants made by the crown at periods, when the power of making them was universally acknow-

tolerably depended upon, should establish *factors at Boston, Philadelphia, New-York*, and a few other ports, for the sale of such cargoes of *British manufactures* as should be consigned to them; and to consist of *such particularly as were most manufactured in the province*, with directions immediately and continually to *undersell* all such colony manufactures. By this means the operation of the *succeeding measures*, from the number of hands rendered idle, would be so much the easier to be executed.

“ The ships which carried out such cargoes should be large bulky ones, of eight, nine hundred, and one thousand tons burden, for the sake of bringing large quantities of deals, &c. back, at a less proportionate expence; and previous to their arrival in *America*, cargoes of these should be ready for them. The colonists should be engaged to work their iron mines, and get the product ready in bars, &c. and vast quantities of deals and squared timber ready for loading the ships: all which, on the certain and immediate prospect of a sale, would easily be effected; as it is well known they have more than once proved to the legislature, that they could supply all *Europe* with these articles, had they but the demand.

“ But I laid it down as a rule to proceed upon, that *trade, fishing, and manufacturing*, were put an *entire stop* to among the colonies.

“ If the sugar islands contained ten millions of people, *as destitute of necessities* as they are at present, *Britain* would be as *sure* of their allegiance as she is at present—provided no power more formidable than herself at sea arose for their protection.

“ The first dependence of our colonies, as well as all their people, is, to change the terms a little, upon corn worked into bread, and iron wrought into implements; or, in other words, it is upon *necessary* agriculture and *necessary* manufactures; for a people who do not possess these, to think of throwing off the yoke of another *who supplies them with them*, is an absurd idea. This is *precisely the case* with our sugar islands. Let us suppose the continental colonies to be as happy in the *necessary agriculture* as they really are, but to be *absolutely without manufactures*, could they throw off their allegiance to *Britain*, be

but on *a few plain principles*. The plausible appearance of the objection consists in a confused comprehension of several points, intirely distinct in their nature, and leading to consequences directly opposite to each other. There was a time, when *England* had no colonies. Trade was the object she attended to, in encouraging them. A love of freedom was manifestly the chief motive of the adventurers. The connection of colonies with their parent state, may be called a new object of the *English* laws. That her right extinguishes all their rights,—rights essential to freedom, and which they would have enjoyed, by remaining in their pa-

“ With explosions of learning, and flashes of wit, these well trained troops would keep up a terrible fire of artillery and small arms against us undisciplined *Americans*. We must not meet them in the shock of battle. *That would be madness in the extreme*. We must make the most of our *natural* advantages.—*There we are safe* ; and all the forces that can be brought to the assault, will never be able to prevail against us. To drop the metaphor. “ Inquiry ceases to be rational, and becomes both whimsical and pernicious, when it advances as far as some late authors have carried it, to controvert the first principles of knowledge, morality, religion, and consequently the fundamental laws of the *British* government, and of all well regulated society.”

Mr. Beattie on truth.

It has been asserted by some men distinguished as historians, that the zeal of the reformers in religion engaging them to think liberally on that subject, led them to think with like freedom in civil affairs, whereby the government of *England* received its greatest improvement.—If the sentiment is just, may it not be inferred, that contempt for religion, must necessarily introduce an indifference for all the just rules of government and the principles of the constitution. ?

the crown, as by law established, is vested the *exclusive right of internal legislation*.

to navigate them, and thereby communicate from one part of the continent to another.

“ That she should never suffer any *provincial troops* or *militia* to be raised, but reserve entirely to herself the defence of the frontiers. ^d

“ That she should throw whatever obstacles she could, upon all plans of *communication* from colony to colony, or conveniencies of speedy removals from place to place. ^e

“ That in proportion as any colony declined in staples, and threatened not to be able to produce a sufficiency of them, the inhabitants should receive such encouragement to leave it, as *more* than to drain its natural increase, unless new staples were discovered for it.

“ This is *now* the case with those I have distinguished by the title of the northern colonies; insomuch that *Nova-Scotia, Canada, New-England, New-York, New-Jersey, and Pennsylvania*, would be nearly of as much benefit to this country BURIED IN THE OCEAN, as they are at present.”

Political Essays, published in *London*, under ministerial patronage.

The conduct of administration corresponds exactly with the sentiments of this modern writer, and with the measures pursued by *Philip* the second of *Spain* against the *Low Countries*. The reasons given by one in administration for attacking the colonies, seem to be copied (with some small alterations on account of religion) from the famous advice of the unfeeling duke of *Alva*, that “ *specie retinendæ dignitatis*,” cost his master, his glory, his happiness, and his provinces—and sunk his country into distresses, from which she is not yet re-

^d “ *Specie tuendi finium, jugum liberis provinciis meditatur.*”

STRADA, *lib. 2.*

^e Thus *Rome* divided *Macedon* into several departments, and forbade their intercourse with one another; that is, not only with their own countrymen, but even with their relations and friends, residing in a different department.

mits of their own country. That is, a supreme legislature to a people, which acts *internally* over that people, and inevitably implies *personal assent*, *representation*, or *slavery*. When an universal empire is established, and not till then, can regulations of trade properly be called, acts of supreme legislature. It seems from many authorities, as if almost the whole power of regulating the trade of *England* was originally vested in the crown. One restriction appears to have been, that no duty could be imposed without the consent of parliament. Trade was little regarded by our warlike ancestors. As commerce became of more importance, and duties, and severities were judged necessary additions to its first simple state, parliament more and more interfered. The constitution was always free, but not always exactly in the same manner. "By the feudal law, all *navigable* rivers and *havens* were computed among the regalia, and were subject to the sovereign of the state. And in *England* it hath always been held, that the king is lord of the whole shore, and particularly is guardian of the ports and havens, which are the inlets and gates of the realm; and therefore, so early as the reign of king *John*, we find ships seized by the king's officers, for putting in at a place that was not a legal port. These legal ports were undoubtedly at first assigned by the crown; since to each of them a court of portmote is incident, the juris-

Britain would have been reduced to, had *James* the first and his family succeeded in their scheme

still influenced the council. Upon application for a relaxation of the edicts, it was said, that *moderation had only made matters worse*, and the observation of them was again enjoined upon *more severe penalties* than before.

“ At length an ASSOCIATION was entered into, for mutually defending each other. This being signed by above 400 persons of quality, who all protested, that they meant nothing but the honor of God, the glory of the king, and the good of their country, they met and PETITIONED, that the *proclamation might be revoked*: but the king would consent to no mitigation. Good advice was given to him. But the duke *D’Alva’s* violent counsel, *who proposed the entire abolishment of the liberties of the provinces*^f was most pleasing, and followed. The cruel duke was sent into the *Low Countries* with a powerful army. The counts *D’Egmont* and *Horn*, were immediately seized, on a pretence that they had underhand, spirited up the people’s *disaffection*. They were afterwards executed. All who had signed the *association* or *petition* were declared guilty of § HIGH TREASON, and answerable for what had happened. A council, called from its cruel proceedings, ^h THE COUNCIL OF BLOOD, was erected for trying the accused, *from which there was no appeal*. (NOTE WELL) *Alva* himself tried the accused *in their own country*, where their *friends* and *witnesses* might attend them,—where the pains of death itself might be mitigated, by seeing with their dying eyes, that they expired beloved and lamented. Here the disciples exceed their tutor. This is too great a consolation to be indulged to a colonist. He must be carried 3000 miles across the ocean— that he may not only die, but be insulted in his last moments, with the mockery of a trial, where the clearest innocence stands no chance of acquittal, and with the formality of a sentence founded on a statute past before the colonies existed. On the approach of the army, the prince of *Orange* and other lords fled; and being summoned to appear before the council, in default thereof were condemned,

^f “ LAY THEM AT MY FEET.” Lord *North’s* speech.

§ Sec. Gen. *Gage’s* proclamation.

^h Resolutions in parliament for trying colonists in *England*. *Rhode Island* Court. Late acts for *Massachusetts-Bay*.

bids a more exact inquiry into this point: but such it is apprehended, will on inquiry be found to have

the maintenance of his wars in foreign parts, yet in the *CONFIRMATIONES CHARTARUM*, Ed. 1st, therein taking notice, "that many men doubted, whether these grants by parliament might not turn in *servage of them* and their heirs, as precedents, expressly declares in those statutes, that such grants shall not be drawn into custom." The comment says—"it was holden that the subjects of the realm ought not to contribute to the maintenance of the king's wars out of the realm—but this matter was never in quiet, until it was more particularly explained by divers acts of parliament." The comment then mentions several acts declaring that no *Englishman* shall be bound to contribute to the king's wars out of England, in Scotland, Gascoigny, Ireland, Calais, (though these three last were countries dependent on England) and says, "these acts of parliament are but declarations of the ancient law of England—But here may be observed, that when any ancient law or custom of parliament" (such as before mentioned by making acts relating to foreign wars) "is broken, and the crown possessed of a precedent, how difficult a thing it is, to restore the subject again to his former freedom and safety." 2 Inst. 527—529.

The author of "the controversy," who with a liberality of sentiment becoming a pleader against freedom, and the best interest of mankind, counts, "statute books"—"ministers"—"king's council"—page 77, 78.—"scraps of journals"—page 81. and ordinances of "the rump parliament"—page 87. among his "DETTIES" page 78; and grieves that we poor "*infidels*" colonists will not pay his idols the veneration his zeal judges due to them, has collected a good many fragments of proceedings in the house of commons from the year 1614 to 1628. The amount is this, that the ministers of the crown insisted, that parliament could not make laws for *America*; that the commons doubted; but at length in 1624, came to an opinion, that the king's patent for "a monopoly of fishing on the coasts of *America* was a grievance,"—that a "clause of forfeiture" against those who interfered in the fishery was void—and past a bill "for a free liberty of fishing," &c. It appears in the debates that the fishery was free before the patent was granted—These extracts do not shew, what became of the bill in the house of lords. One mr. Brooke said in 1621—"We may make laws here for *Virginia*, for if the king gives consent to this bill past here and by the lords, this will controul the patent."

arguments of the illustrious patriots of those times, to whose virtues their descendents owe every bless-

" GRANVILLE, strained up to the highest his master's authority and the execution of his commands, while the provinces were resolute to protect the liberties of their country, against the admission of this *new and arbitrary judicature, unknown to all ancient laws and customs of their country*. The king at last consented to GRANVILLE's recess. Then all noise of *discontent and tumult was appeased*. But quickly after the *same counsels* were resumed. The *disturbances* then grew greater than before. But by the prudence and moderation of the dutchess of Parma, the governess, the whole estate of the provinces was restored to its former peace. This dutchess, and the duke of Feria, one of the chief ministers in Spain, thought and advised, that the THEN PRESENT PEACE OF THE PROVINCES OUGHT NOT TO BE INVADED BY NEW OCCASIONS, nor the royal authority lessened, by the king being made a party in a war upon his subjects.— But the king was immovable; he dispatched Alva into the low country at the head of *ten thousand veteran Spanish and Italian troops*, under the command of the *best officers*, which the wars of Charles the fifth, or Philip the second had bred up in Europe; which, with *two thousand* more in the provinces, under the command of so old and renowned a general as the duke of Alva, made up a force, which nothing in the *low countries* could look in the face with other eyes, than of astonishment, submission or despair. This power was for the assistance of the governess, the execution of the laws, the suppressing and punishing all who had been authors or fomentors of the late disturbances.^k On his arrival the governess having obtained leave of the king, retired out of the province. The duke of Alva was invested in the government, *with powers never before given to any governor*. A council, called the council of blood,^l was erected for the trial of all crimes committed against the king's authority. The towns stomached the breach of their charters, the people of their liberties, the knights of the golden fleece the charter of their order, by these *new and odious courts of judicature*; all complain of the disease of the states,^m of the introduction of armies, but all in vain. The king

^k See speeches in parliament, and preambles to the late acts.

^l See note in page 367.

^m Frequent dissolutions of assemblies—and their total uselessness, if parliament taxes us.

England were *freemen*, before they were *merchants*. Whether *they* will continue *free*, they *themselves* must determine. *How they shall trade*, must be determined by *Germans, French, Spaniards, Italians, Turks, Moors, &c.* The right of *acquiring* property, depends on the rights of *others*: the right of *acquired* property, solely on the owner. The possessor is no owner without it. "Almost every leaf and page of *all* the volumes of the common law prove this right of property."† Why should this right be sacred in *Great-Britain*, "the chief corner stone" in the solid foundation of her constitution, and an empty name in her colonies? The lamb that presumed to drink in the *same stream* with a stronger animal, *though lower down the current*, could not refute the charge of incommoding the latter, by disturbing the water. Such power have reasons that appear despicable and detestable at first when they are properly enforced.

pass. For, as these are transactions carried on between subjects of independent states, the municipal laws of one will not be regarded by the other. For which reason the affairs of commerce are regulated by a law of their own, called the law merchant or *lex mercatoria*, which all nations agree in and take notice of. And in particular it is held to be part of the law of *England*, which decides the causes of merchants by the general rules which obtain in all commercial countries; and that often even in matters relating to domestic trade, as for instance, with regard to the drawing, the acceptance, and the transfer of inland bills of exchange."

† *Parlia. hist.*

in refutation of the pretensions set up by their too forgetful posterity, over their unhappy colonists.—Confiding in the undeniable truth of this single po-

*of the states, to be published. The people refused to pay; the soldiers begin to levy by force; the townsmen all shut up their shops; the people in the country forbear the market; so as not so much as bread and meat is to be bought in the town. The duke is enraged; calls the soldiers to arms; and commands several of the inhabitants who refused the payments, to be hanged that very night upon their sign posts; which moves not the obstinacy of the people. And now the officers and the guards are ready to begin the executions, when news comes to town of the taking of the *Brid*, by the *Gueses*,^o and of the expectation that had given of a sudden revolt in the province of *Holland*.*

*"This unexpected blow struck the duke of Alva, and foreseeing the consequences of it, because he knew the stubble was dry, and now he found the fire was fallen in, he thought it an ill time to make an end of the tragedy in *Brabant*, whilst a new scene was opened in *Holland*; and so giving over for the present his taxes and executions, applies his thoughts to the suppression of this new enemy that broke in upon him from the sea. And now began that great commotion in the *Low Countries*, which never ended but in the loss of those provinces, when the death of the royal government gave life to a new commonwealth."*

Observations upon the UNITED PROVINCES of the *Netherlands* by sir *William Temple*.

Philip and his junto of cabinet ministers thought themselves no doubt very wise, and politic as so many *Machiavels*. But what says, and will say mankind as long as the memory of those events is preserved? That their counsels were despicable, their motives detestable, and their minds like those described by the bishop of *Lerida*, that exactly resembled the horns of the cows in his country—little, "hard and crooked."

^o *Beggars*—they were called so in contempt, when they petitioned. The people thereupon assumed that name, perhaps to keep up the memory of an insult occasioned by their loyalty.

the idea of supreme legislature over us. The first is a power of a preserving “protecting” na-

tains a constitutional principle, the *sine qua non* of freedom. *Secondly*, that the people of *Ireland*, as subjects of the king, were “*under the admiralty of England as to things done on the high sea* ;” which is a strong confirmation given by the judges of *England*, to the supposition before made, of the power of regulating trade being formerly vested in the king. *Thirdly*, that the opinion of the chief justice, and of the other justices, such as it was, “*reddendo singula singulis, & secundum subjectam materiam*,” proves at most, only that *Ireland* was bound by statutes regulating their trade, for such was the 2 *Henry* 6th. ch. 4th on which the case arose. *Fourthly*, that *Brooke*, a man of great eminence and dignity in the law, appears by his note, to have been dissatisfied with the judgment, tho’ only on a statute of regulation, for *this* reason of such weight with an *Englishman*——“because *Ireland* is a realm of itself, and has a parliament within itself.” *Fifthly*, that the authority of the crown, including the regulation of the trade of *Ireland*, and sending writs of error there, were sufficient restraints, to secure the obedience and subordination of that kingdom. This reason seems to have held its ground, till lord chief justice *Coke*’s time ; and though a great reverence is entertained for his memory, yet it can never be acknowledged, that an “*obiter dictum*” of his, or of any other man, is a rule of law. In *Calvin*’s case, the chief justice reciting the foregoing case, says, “*Hibernia habet parlamentum, and faciunt leges, & nostra statuta non ligant eos QUIA non mittunt milites ad parlamentum* (which, adds he, is to be understood, unless they be especially named) And does the “especially naming them,” give them a representation, or remove the injustice of binding them without it ? This observation in plain English would run thus. “Our statutes do not bind the people of *Ireland*, when we do not intend to bind them, because, they are not represented in our parliament : but our statutes bind them, when we intend to bind them.” What is this but saying——“that to speak of their not being represented, is a mere jargon ; and the sole point is, whether it is our will to bind them”——or in other words——“that our statutes do not bind them, for a reason, as strong as man can give, and so acknowledged by us to be, which yet, is no reason at all : for, where there is no occasion, for its operation, it applies not ; and where there is occasion, it is of no force.”——His lordship had just before taken notice that “a writ of error did lye in the king’s bench of *England* of an erroneous judgment in the king’s bench of *Ireland* ;” and perhaps that led him in the course of his argument to imagine, there might be a like pre-eminence

tioned, who, for strenuously asserting the principles of the revolution, received the unusual honour of being recommended by a HOUSE OF COMMONS to the sovereign for preferment, has justly observed, that *misery is the same*, whether it comes from the hands of MANY or of ONE.

“ It could not appear *tolerable* to him (meaning mr. *Hooker*, author of the ecclesiastical policy) to lodge in the governors of *any society* an *unlimited authority*, to annul and alter the constitution of the government, as they should see fit, and to leave to the *governed*, the privilege *only* of ABSOLUTE SUBJECTION in *all such alterations*; * or to use the parliamentary phrase, “ *in all cases whatsoever*.”

FROM what source can *Great-Britain* derive a single reason to support her claim to such an enormous power? That it is consistent with the laws of *nature*, no reasonable man will pretend. That it contradicts the precepts of *christianity*, is evident. For she strives to force upon us, terms which she would judge to be intolerably severe and cruel, if imposed on herself. “ *Virtual representation*,” is too ridiculous to be regarded. *The necessity of a supreme sovereign legislature* internally superintending the whole empire, is a notion equally unjust

* HODKIN'S disc. on government.

words, "whose enormous weight spreads horror and destruction on all inferior movements." The first is a power subject to a constitutional check. *Great-Britain* cannot injure us by taking away our

Ireland. In queen *Elizabeth's* reign, "*Gerrade*, chancellor of *Ireland*, moved that question to the council of the queen, and it was held by *Wray*, *Dier*, and *Gerrarde*, attorney general, he could not, because he was a subject of *Ireland* and not of *England*, and if tried in *England*, he could not be tried by his peers." *Dier*, 360. Afterwards, to gratify the queen's resentment against some rebels, they were tried in *England*; and thus passion and complaisance made very good law against reason and justice.

Having mentioned *Calvin's* case, it may not be improper to observe, that if the author of "the controversy" had taken the trouble of reading it, he might have found his perplexities removed on the question that has given him so much anxiety, and brought such a load of reproaches on the colonies. He is provoked at our insolence for pretending to be any thing more than *aliens* in *England*, while we deny the power of parliament to bind us "in all cases whatever." In that case, the gentleman would have discovered, that the judges of *England* held, that a man born in *Scotland*, under the allegiance of *James* the first, after his accession to the throne of *England*, was intitled to all the rights of a subject born in *England*; though the objection, that statutes of *England* could not bind *Scotland*, or a man residing there, who held lands in *England*, was mentioned in the course of the argument. That great difficulty being got over, if the gentleman, will go a step farther, and perceive some little distinction between colonies proceeding out of the loins of *England*, and the "conquered" countries of *Ireland* and *Wales*,—the countries of *Gascoigny*, *Guienne*, and *Calais*, "united by mutual pact to *England*"—and the islands of *Guernsey*, &c. "lying within the four seas, whose sovereigns annexed them to *England*:" and will only allow the colonists a little more regard than is *profest* in law books for those countries, and about as much as has been actually observed towards them by parliament, he will have no further occasion to say severe things of those, who are willing to esteem him; and then, if he can persuade his worthy countrymen to adopt his sentiments, their anger will no longer give pain to those who almost adore them.

actionous to grant money to the crown, when it is their interest and their duty to do so. This argument, however, was *fully* refuted; and slept for a century in proper contempt, till the posterity of those, who had overthrown it, thought fit to explode the absurdity. Trifling as the present was, yet it might much more properly be decided in favour of a *single person*, than of a *multi-*

The counsels of a monarch may be more se-

His measures more quick. In passing an act of parliament for all the colonies, as many men consulted, if not more, than need be consulted, obtaining the assent of every legislature on the subject. If it is a good argument for parliament, it is a better against them. It therefore proves wrong by its own futility. The *supposed advantages* of such a power, could never be attained but at the destruction of *real benefits*, evinced by facts to exist without it. The *Swiss Cantons*, and the *United Provinces*, are combinations of independent states. The voice of each must be given. The in-

Thus the patriots of *Charles's* days argued—"It is not, that *ship-money* is levied upon us, but it is, that thereby ship-money is *claimed*, which is our gift and EARNEST PENNY OF ALL WE HAVE: it is not, that our persons have been imprisoned, for the payment of ship-money, but that our PERSONS and LIVES are, upon the *same ground of law* delivered up to *will and pleasure*. It is, that our BIRTH-RIGHT is destroyed, and that there hath been an attempt to reduce us to a *lower state than villainage*. The lord might tax his vassal de haut et de basse, might imprison him, but—his LIFE was his own; and he secured him THAT."

Lord Clarendon.

"*the whole* nation are bound, AGAINST THEIR CONSENT:*" and yet the prerogative by no means implies a *supreme legislature*. The language held in "the commentaries" on this point is very remarkable. "With regard to *foreign concerns* the king is the *delegate* or *representative* of the people; and in him, as in a *center*, all the *rays* of his people are united;† and the SOVEREIGN POWER *quoad hoc* is vested in his person."‡ Will any *Englishman* say these expressions are descriptive of the king's authority, *within the realm*. "Is the SOVEREIGN POWER *within that* vested in his person?" He is stiled "*sovereign*" indeed; "his realm is declared by many acts of parliament an *empire*, and his crown *imperial*." But do these splendid appellations, the highest known in *Europe* signify, that "*sovereign* POWER is vested in his person *within the realm?*" We have a full answer in the commentaries. "The *meaning* of the legislature, when it uses these terms of *empire* and *imperial*, and applies them to the realm and crown of *England*, is *only* to assert, that our king is equally *sovereign* and *independent* within these his dominions; and owes *no kind of subjection* to any potentate upon earth." Thus *we* maintain, that with regard to *foreign affairs*, the parent original state, "is the *delegate* or *representative*," of the entire

* 1 Blackst. 252, 257.

† Idem. 252.

‡ Idem. 257.

† It is to be wished the gentleman had "*recollected*," that without any such "act of assembly," none of the colonists ever rebelled. What *act of parliament* is here meant? Surely not the 11th of

the "Farmer's Letters." His principal objections are the following, and the answers here given may perhaps be sufficient to shew with what force his objections are generally urged. 1st. He says, "the writer of the letters, tell us, that the drawbacks which are allowed on some articles upon their exportation from *England*, amount to more money than all the duties together which are laid upon them on their arrival in the colonies will produce. I believe it is the first time that the colonies of any state have complained of the injustice of the mother country in laying taxes upon them, which were not *sufficiently heavy*, nor was it ever before discovered that the proper means to redress the grievances of any people, were to *increase their taxes*" Page 16. *Answer*. The truth of the assertion in the letters is not denied. It is assumed, by the author of the "controversy," as the foundation of his argument. If then, parliament would have raised *more* money, "*by stopping* the drawbacks, than by laying the duties to be paid in the colonies," *why* were they laid? From respect for parliament it must be supposed, they were laid for *some* purpose. It was not for the sake of the money. For what then? To establish a *PRECEDENT* for *taxing* the colonies, says the writer of the letters. The author of the controversy does not deny it; but enters into a dissertation upon the *more* and the *less*, which is not the point in question. 2dly. The writer of the letters says, that "an *act of parliament* commanding us to do a certain thing, if it has any validity, is a *tax* upon us, for the *expense*^P that accrues in complying with it." In reply to this, the author of "the controversy" enumerates many instances of sovereignty *subjecting the colonies to expense*, which he supposes may be legally exercised WITHIN

^P This sentence related to the dissolution of the assembly of *New-York*, for not complying with the act of parliament for supplying the troops.—Last session of parliament an act was passed for the more *convenient* quartering of the troops in *America*. It is not yet come over; but deserves the attention of the colonists, even if it has not the remarkable features, that distinguish the productions of the last session.

† *Idem*. page 17.
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the point in a similar case strongly for us, in these words.—“ Though it be granted, that the king hath the *custody* of the *bavens* and *ports* of this island, being the very *gates* of this kingdom, and is *trusted* with the *keys* of these *gates* ; yet the *inference* and *argument* thereupon made, I utterly deny. For in it there is *mutatio hypothesis*, and a *transition* from a thing of *one* nature to *another* ; as the *premises* are of a *power only fiduciary*, and in *point of trust and government*, and the *conclusion* infers a *right of interest and gain*. Admit the king has *custodiam portuum*, yet he hath but the *custody*, which is a *trust* and not *dominium utile*. He hath power to *open* and *shut*, UPON CONSIDERATION OF PUBLIC GOOD TO THE PEOPLE AND STATE, but not to make *gain* and *benefit* by it : the *one* is PROTECTION—the *other* is EXPILATION.”

END OF THE FIRST VOLUME.

5 /
L.V.

it imagined, that the words "dominions and territories thereunto belonging" in that statute, form his majesty's title to the sovereignty of these colonies ? The omission of them might have looked odd ; but

author of the controversy observed—that " it would be endless to trace this doctrine of *taxes through all the consequences.*" page. 23. 3dly. The writer of the letters says, " we are as much dependent on *Great-Britain*, as a perfectly free people can be on another." On this the author of the controversy kindly observes, that " it is a pity the learned editor (the *English* editor, it is supposed) has not given the public a dissertation on that most ingenious and instructive passage."

When confiding in that strength, she begins to forget from whence it arose, it will be an easy thing to shew the source. She may readily be reminded of the loud alarm spread among her merchants and tradesmen, by the universal association of these colonies, at the time of the *stamp-act*, not to import any of her *manufactures*.

" In the year 1718, the *Russians* and *Swedens* entered into an agreement, not to suffer *Great-Britain* to export any *naval stores* from their dominions but in *Russian* or *Swedish* ships, and at their own prices. *Great-Britain* was distressed. *Pitch* and *tar* rose to *three pounds* a barrel. At length she thought of getting these articles from the colonies ; and the attempt succeeding, they fell down to *fifteen shillings*. In the year 1756, *Great-Britain* was threatened with an invasion. An easterly wind blowing for six weeks, she could not *man* her fleet, and the whole nation was thrown into the utmost consternation. The wind changed. The *American* ships arrived. The fleet sailed in ten or fifteen days. There are some other reflections on this subject, worthy of the most deliberate attention of the *British* parliament ; but they are of such a nature, that I do not choose to mention them publicly. I thought it my duty, in the year 1765, while the *stamp-act* was in suspense, to write my sentiments to a gentleman of great influence at home, who afterwards distinguished himself, by espousing our cause, in the debates concerning the repeal of that act.

FARMER'S LETTERS, xii

If the author of " the controversy" had seen the letter above referred to, he would have found, that, the difference between the *PREROGATIVE* in *Great-Britain* and in *America*, and the exercise of *internal legislation* by parliament over the colonies, with some other points therein mentioned, were represented in the strongest terms the writer of the letters could use, as unjust, and certainly tending in a few years to produce the deepest discontents. The time is at length come, when silence in *America* on these subjects would be stupid or criminal.



venture to say, that *William* was not king of *England*, and sovereign of these colonies, before his title was "declared" or "recognized" by "an act of parliament?"—The gentleman slurs over

to *levy* money by its own authority, have always assigned to the crown the *application* of money."

From these words relating to "application" the author of "the controversy" deduces a "proof," that the writer of the letters is very deficient in "his knowledge of the constitution,"^s &c. *Answer*. Is this treatment generous? In such questions ought the attack to be turned from the *cause* to the *man*? The writer of the letters, pretends not to be distinguished, as a "critic on government" nor for "justness or elegance of composition."^t Surely, even the author of "the controversy" must now be convinced of his aversion to writing, as that performance, with all "the justness and elegance of its composition, knowledge of the subject handled, and constitutional learning displayed in it," and employed to pull to pieces the reputation of the writer of the letters, has not roused him during so many years since its publication, to make a single effort in vindication of his character. Was it imagined, that every objection was just, because not replied to? Many reasons, besides a fear of encountering objections, may prevent an answer. In truth, he cannot be called a *volunteer* author. He *never* DID, and *never* DARED to write, but *when* the honor or interest of his country was assaulted—when *duty* compelled every one to contribute what assistance he could in her defence—and when he hoped, the cause would draw some kind of a veil over his defects. He expected, he might escape as the *Spartan* youth did, with some slight censure for engaging *improperly armed*, but that his *motive* would excuse him from a severe one. How well founded the present reproach is, will now be considered. One would imagine, that a man of common sense on reading the foregoing extract from the letters, would understand the writer plainly to mean by "*levying*," the power of "*taxing*"—and by "*applying*," the power of "*employing*" the money

^s Page 25.

^t Pages 23 and 25.



make laws. Yet that conclusion would be as justifiable as *this*—that the assent of the colonies to an election of a king by the two houses, or to the limitation of the crown by act of parliament, proves

Is not the word “application” used here too, not only properly, *as defined*, but properly, *in a constitutional sense*?

True it is, that the word is sometimes used as synonymous with *appropriation*, though this latter seems to be the fittest word to mean the *designation* of money to particular purposes in acts of parliament. Could it be possible, that the author of “the controversy” should imagine, the writer of the letters could be ignorant of such designation or appropriation of money by parliament, when one can scarcely open a book of statutes, without observing them? Parliament may accommodate grants of money to public necessities—and may call officers of the crown to account for money, but these powers no more prove the *actual expenditure and employment* of money to belong to parliament, than the power of calling officers of the crown to account for injurious leagues, or declarations of war, proves the power of parliament to make leagues or to declare war. Besides, it being contended against the colonies, that the “*sovereign power*” is lodged in king, lords, and commons, the same persons may *tax* and *expend*, to what excess and in what manner THEY PLEASE, while the colonies will have no KIND OF CONTROL over them: and, that such an union of those powers, is unconstitutional and dangerous to the colonies in extreme, was the point the writer of the letter inoffensively ventured to insist on.

Exactly in the sense here contended for, are the words “appropriation” and “application” used in some of the best authorities. Bishop *Ellys*, in his tracts on liberty, page 31, says—“The parliament, at present, in granting money, does for the most part *appropriate* it to particular services, whereby the *application* of it is more effectually secured.” “When any aids are given, the commons only do judge of the necessities of the crown, which cannot be otherwise made manifest to them, than *by inquiring*, how the money which hath been granted, and revenue of the crown, is *expended and applied*,”^u “Out of the aids given by

^u Words of the commons at a conference with the lords.

Parliamentary history.



A DEPENDENCE * ON the crown and PARLIAMENT of *Great-Britain*, is a novelty—a dreadful novelty.—It may be compared to the engine invented by the *Greeks* for the destruction of *Troy*.† It is full of armed enemies, and the walls of the constitution must be thrown down, before it can be introduced among us.

WHEN it is considered that the king, as king of *England*, has a power in *making* laws—the power of *executing* them—of *finally* determining on *appeals*—of calling upon us for *supplies* in times of war, or any emergency—that every branch of the *prerogative* binds us, as the subjects are bound thereby in *England*—and that all our intercourse with *foreigners* is regulated by parlia-

* This word "dependence" as applied to the states connected with *England*, seems to be a new one. It appears to have been introduced into the language of the law, by the commonwealth act of 1650. A "dependence on parliament" is still more modern. A people cannot be too cautious in guarding against such innovations. "The credentials of the imperial ambassadors to the states of *Holland*, were directed—"to our faithful and beloved." The words seem to be very kind; but the cautious states discovered that this was the stile of the imperial chancery in writing to the *vassals of the empire*. The question was, whether the credentials should be opened? and it was urged, that a solemn embassy ought not to be disappointed, for a few trifling words. But the states resolved to send them back unopened, which they did. Other credentials were then sent, with a proper direction; and the ambassadors were well received."

Arcana imp. det. page 196.

† 7 Co. 18.

tract—and the power must be unjust and illegal ; for God has given to them *a better right* to preserve their liberty, than to her to destroy it. In other words, supposing, king, lords and commons acting in parliament, constitute a *sovereignty* over the colonies, is that sovereignty constitutionally *absolute* or *limited*? That states without freedom, should *by principle* grow out of a free state, is as impossible, as that sparrows, should be produced from the eggs of an eagle. The sovereignty over the colonies, must be **limited*.—*Hesiod* long since said, “ half is *better* than the whole ;” and the saying never was more justly applicable, than on the present occasion. Had the unhappy *Charles* remembered and regarded it, his private virtues might long have adorned a throne, from which his public measures precipitated him in blood. To argue on this subject from other instances of parliamentary power, is shifting the ground. The connection of the colonies with *England*, is a point of an unprecedented and delicate nature. It can be compared to no other case ; and to receive a just determination, it must be considered with re-

* “ *Nec REGIBUS infinita aut libera potestas*, was the constitution of our German ancestors on the continent, and this is not only consonant to the principles of nature, of liberty, of reason, and of society, but has always been esteemed an express part of the COMMON LAW of England, even when prerogative was at the height.”

Blackstone says " such parts of the law as are neither *necessary* nor *convenient* for them, as the juris-

That the *conquerors* should be considered as the *conquered*, the *expellers of the natives* as the *expelled natives*, and the *christian possessors and owners* by *fair purchases* from those who had a right to sell, as the *infidels* no longer possessing or owning, seems to involve a confusion of ideas, little agreeing with the strength of reason that informs the common law.

It is very remarkable, how our ablest antagonists are perplexed in framing their arguments against us. Even the learned judge does not express himself with his usual perspicuity; but the want of it is well atoned, if we, colonists, can be thereby deprived of the benefits of the *common law*, and be absolutely subjected to the *king*; for these courtly tenets are the *only* consequences deducible from the curious argument that tends to involve these colonies in the misfortunes of "*conquered, ceded, or infidel countries*." The "*controul of parliament*," is asserted to be supreme, in every case. Whether the colonies were settled in "*uninhabited countries*," or in "*conquered, ceded, or infidel countries*," makes no difference as to *that* point.

Another learned gentleman has discovered, that we " are not intitled to as great a degree of freedom as *Ireland*." Why? " Because *Ireland* was a *conquered* country." This remark does not seem to remove the difficulty. Let us hear the point a little more explained. "*Ireland* it is true was *conquered*, but certain *concessions* were made to the people. These were the terms granted them, but *England* is obliged to keep no terms with the colonists." At every step these gentlemen take, those writers, who have contributed so much to the glory of their country, turn upon them, and directly oppose them.—They at first shrink before these venerable advocates for liberty and humanity—but recollecting themselves, they distinguish and refine, in order to take away the substance of every argument, and to whittle down a *Hooker* and a *Locke* into a *Lastrange* and a *Filmer*.—After taking these liberties, they at length grow bold enough to arraign the authority of any man, even *mr. Locke* himself, if his writings cannot, by all this art, be turned to their purpose.

We need not be surprised after this, that every colonist, who ventures honestly, to assert, as well as he can, the cause of his native land, should be treated with little respect. The colonies have always been on the *defensive*. *It is*

THE laws of *England* with respect to prerogative, and in other instances, have accomodated

in all the colonies having therefore been clearly shewn to be part of the dominions of *Great-Britain*, and the possessors of them to hold them under authorities and titles derived from the *British* state, mr. *Locke* would require no other proof of the right of the legislative power of *Great-Britain* to the obedience of the possessors of those lands; for speaking of the manner by which a man tacitly makes himself a subject of any country or government, he says,—

“ It is commonly supposed, that a father could oblige his posterity to that government of which he himself was a subject, and that his compact held them ; whereas it being only a necessary condition annexed to the land, and the inheritance of an estate, which is under that government, reaches only those who will take it on that condition, and so is no natural tie or engagement, but a voluntary submission ; for every man’s children being by nature as free as himself, or any of his ancestors ever were, may, whilst they are in that freedom, choose what society they will join themselves to, what commonwealth they will put themselves under ; but if they will enjoy the inheritance of their ancestors, they must take it on the same terms their ancestors had it, and submit to all the conditions annexed to such a possession.” “ Whoever (says he in another place) by inheritance, purchase, permission, or otherways, enjoys any part of the lands so annexed to, and under the government of, that commonwealth, must take it with the condition it is under ; that is, of submitting to the government of the commonwealth under whose jurisdiction it is, as far, forth as any subject of it.” page 31. The ingenuity of the gentleman is here again remarkable. Mr. *Locke* in his eighth chapter on civil government “ of the beginning of political societies,” immediately before the words abovementioned “ whoever by inheritance,” &c. speaks of a man who “ unites his person which was before free to a society for the securing and regulating of property, and submits to the community those possessions which he has or shall acquire, that do not already belong to any other government.” These words the gentleman not thinking quite to his purpose in this place, separates from the words of his quotation, and so gives mr. *Locke*’s conclusion without his premises. However three pages after, he is so candid, as to give the premises without the conclusion. How, or why ? to support this most curious distinction,—that mr. *Locke*, in that celebrated part of his argument, where

themselves, without alteration by statutes, to a change of circumstances, the welfare of the people

speaking of "government taking the property of subjects," he says "*what property have I in that, which another may by right take from me when he pleases,*"^x "means no more" than that the supreme legislative power has no right to take the property of others without their consent, "for the *private use or purpose* of the legislative." So that according to this construction, the constitution of a well established government, or the freedom of a people, depends not on the great right which God has given them "of having a share in the government of themselves," whereby their property is secured, but merely, on the "*purpose,*" to which the property taken from them without their consent, is *applied* by those who thus take it. And yet this gentleman has severely attacked the writer of the letters, for using the word "*purpose,*" in a much more confined sense, in saying, a "tax is an imposition on the subject for the *sole purpose of levying money.*"

Mr. Locke, in the preceding chapter, speaking of monarchy says, "that absolute power purifies not mens bloods. For if it be asked, what security or fence arises in such a state, against the violence and oppression of the *absolute ruler*? the very question can scarce be borne. They are ready to tell you it deserves death, only to ask after safety. Betwixt subject and subject they will grant there must be measures, laws and judges for their mutual peace and security: but as for the ruler, he ought to be absolute, and is above all such circumstances: because he has power to do more hurt and wrong, it is right when he does it. To ask how you can be guarded from harm or injury on that side, where the strongest hand is to do it, is presently the voice of *faction and rebellion.*" But here our opponent may come in with another distinction. "Mr. Locke speaks here of an *absolute ruler*, not of *absolute rulers.* Lilly proves that there is the singular number, and the plural number. A power that Mr. Locke would have held illegal in a *Pisistratus* or a *Stuart*, he would have held legal in the *four hundred* of *Athens*, or the *parliament* of *Great-Britain.*" Let the distinction be allowed its due weight. Can it be believed that such a friend to mankind, as Mr. Locke was, could ever think *absolute dominion* ^y just

^x Page. 33.

^y "*Absolute dominion however placed, is so far from being one kind of civil society, that it is as inconsistent with it, as slavery is with property.*"

Locke, on civil govt. page 174.

so requiring. A regard for that grand object perpetually animates the constitution, and regulates

or legal? Would not such a sentiment directly oppose those principles, his benevolence induced him to take so much pains to vindicate and establish? Would the sound of the words—"dependence—" "subordination—" "within the realm—" "part of the dominions—" &c. have convinced him, that it was "the indispensable duty of parliament to ease the gentry and people of *Great-Britain* by *TAXING* the colonists without their consent?"—and that it was the indispensable duty of the colonists *on constitutional principles* to submit to such taxation? The learned say that the too rigid attention of the mind to one idea sometimes is the cause of madness. So rigid has been the attention of many heads in *Great-Britain* to the idea of *dependence*, that it seems to have occasioned a kind of insanity in them; and by ruminating, speechifying, and enacting about it and about it, they have lost all ideas of justice, humanity, law and constitution, and in short of every quality that used to distinguish men from the rest of this creation, and *Englishmen* from the rest of mankind. But mr. *Locke's* understanding, even in the present whirl of the political world, would have preserved him, just and tenacious of his principles. The case he puts, and on which the author of "the controversy" argues, is that of a submission to the terms of government in a commonwealth. The question between *Great-Britain* and the colonies, is, *what are the terms* of their connection under all the circumstances of it.

It is not recollected that mr. *Locke* ever insinuates, that the parliament of *Great-Britain* might bind the people of *Ireland* by statutes, "in all cases whatsoever." Yet there was in his time a famous dispute concerning the authority of parliament over that kingdom. So far was he from favouring the claim of parliament over that kingdom. So far was he from favouring the claim of parliament, that it is hoped, it can clearly be proved, he favoured the other side of the question.

His friend mr. *Molineux*, in a letter dated *March 15, 1697-8*, tells him of his intentions to visit him—when he could get loose from business: "but this I cannot hope for, till the parliament in *England* rises. I should be glad to know from you, when that is expected, for indeed they bear very hard upon us in *Ireland*. How justly they can bind us, *without our consent and representatives*, I leave the author of the two treatises on government to consider"

all its movements——unless unnatural obstructions interfere——

“ *Spiritus intus alit, totamque infusa perartus*
 “ *Mens agitat molem, & magno se corpore miscet.*”

ANOTHER argument for the extravagant power of internal legislation over us remains.——It has been urged with great warmth against us, that “*precedents*” shew this power is rightfully vested in parliament.

——meaning mr. *Locke*’s two treatises—one on government—the other on civil government; though they are published also as one treatise, the first book of which is under the first title, and the second book under the second title.

Mr. *Locke*, in his answer dated April 6, 1698, says, “ amongst other things I would be glad to talk with you about, before I die, is that which you suggest at the bottom of the first page of your letter. I am mightily concerned for the place meant in the question you say you will ask the author of the treatise you mention, and wish extremely well to it, and would be very glad to be informed by you what would be best for it, and debate with you the way to compose it: but this cannot be done by letters: the subject is of too great extent, the views too large, and the particulars too many to be so managed.——Come therefore yourself, and come as well prepared as you can. But if you talk with others on that point there, mention not me to any body on that subject; only let you and I try what good we can do for those whom we wish well to; great things have sometimes been brought about from small beginnings well laid together.”

Mr. *Molineux* quickly after came over from Ireland to England, to see mr. *Locke*.



SUBMISSION to unjust sentences proves not a *right* to pass them. Carelessness or regard for the peace and welfare of the community, may cause the submission. Submission may sometimes be a less evil than opposition, and therefore a duty. In such cases it is a submission to the *divine authority*, which forbids us to injure our country; not to the *assumed authority*, on which the unjust sentences were founded. But *when* submission becomes inconsistent with and destructive of the *public good*, the same veneration for and duty to the *divine authority*, commands us to oppose. The all wise Creator of man imprest certain laws on his nature. A desire of happiness, and of society, are two of those laws. They were not intended to destroy, but to support each other. Man has therefore a right to *promote* the *best* union of both, in order to enjoy both in the *highest* degree. Thus, while this right is properly exercised, desires, that seem *selfish*, by a happy combination, produce the welfare of *others*. " This is removing submission from a foundation unable to support it, and injurious to the honour of GOD, and fixing it upon much firmer ground.*

No sensible or good man ever suspected mr. *Hooker* of being a *weak* or *factionous* person, " yet

* Hoadley's discourse on government.

he plainly enough teacheth, that a society upon experience of universal evil, *have a right* to try by *another* form to answer more effectually the ends of government"—and mr. *Hoadley* asks—" would the *ends of government* be destroyed, should the miserable condition of the people of *France*, which *hath proceeded from the king's being absolute*, awaken the thoughts of the wisest heads amongst them; and move them all to exert themselves, so as that those ends should be better answered for the time to come?"

WHAT mind can relish the hardy proposition, that because precedents have been introduced by the inattention or timidity of *some*, and the cunning or violence of *others*, *therefore* the latter have a *right* to make the former miserable—that is, that precedents that ought never to have been set, yet being set, repeal the eternal laws of natural justice, humanity and equity.*

* ————— " I could never think
 " A mortal's law of power or strength sufficient
 " To abrogate the unwritten law divine,
 " Immutable, eternal, not like these
 " Of yesterday, but made e'er time began."

Sophocles's Antig. Frank. Transl.

It should be considered, whether it ever was or ever can be the true interest of a kingdom or state, to violate the laws of natural justice, equity and humanity. These laws may be called the laws of God. Can they be broken with impunity? The scriptures are full of lessons on this subject, and history fur-

THE argument from precedents begins unluckily for its advocates. The *first* produced against us by the gentleman before mentioned, was an act passed by the *commonwealth* parliament in 1650 to "punish" *Virginia*,† *Barbadoes*, *Antigua*, and *Burmudas*, for *their fidelity to Charles the second*. So ancient is the right of parliament to "punish" colonists for doing their duty. But the parliament had before overturned *church* and *throne*, so that there is an older "precedent" set against these.

THAT parliament sat amidst the ruins that surrounded it, fiercer than *Marius* among those of *Carthage*. Brutal power became an irresistible argument of boundless right. What the stile of

nishes instances sufficient to alarm oppressors, if they would attend to them.—All the glories of *Charles* the bold,—*Charles* the fifth,—*Philip* the second,—*Charles* the twelfth,—*Lewis* the fourteenth,—and a numerous list of distinguished princes, were overcast, when unrelenting cruelty came to preside over their resolutions. From *Athens* to *Genoa* the observation holds true. Let not the opinion be condemned as presumptuous, before it be fully inquired into. It is worth an inquiry.

England has been prosperous in many civil wars, but they were in defence of liberty. She never engaged in one against liberty.—Would to Heaven, she would set the world the much wanted example of lenity in government.—Mankind might gain by it. The other mode has been sufficiently tried, and proved to be impolitic and ruinous.

† This loyal, generous colony preserved its principles with such spirit, notwithstanding the oppression abovementioned, that in *January*, 1659, they threw off all obedience to the parliament, replaced the king's governor, and proclaimed *Charles* the second, several months before the restoration in *Europe*.

an *Aristotle* could not prove, the point of a *Cromwell's* sword sufficiently demonstrated. Innocence and justice sighed and submitted——what more could they do? The restoration took place, and a *legal* parliament would not doubt but it had as extensive a right as an *illegal* one. The revolution succeeded, and with it *methods* for blending together the powers of the king and people in a manner before unknown. A new political alembic was fixed on the great principle of resistance, and in it, severe experiments were to be made on every other principle of the constitution. How the *boldness of ministers* and *contempt of the people* have increased since that period, not a man the least acquainted with *English* history can be ignorant. The colonies were in a state of infancy——still in a state of childhood. Not a single statute concerning them is recollected to have been past before the revolution, but such as related to the regulation of trade. “Precedents” were afterwards made, that, when they grew up, the authority of a *master* might succeed that of a *parent*.

PRECEDENTS, it is apprehended, are no otherwise regarded in the *English* laws than as they establish *certainty for the benefit of the people*——according to the maxim——“miserable is the servitude when the laws are *uncertain*.” Precedents militating against the welfare or happiness of a peo-

ple, are inconsistent with the grand original principle on which they ought to be founded. Their supposed sanction increases in proportion to the repetitions of injustice. They must be void. In subjects of dispute between man and man, precedents may be of use, though not founded on the best reason. They cause a certainty, and all may govern themselves accordingly. If they take from an individual one day, they may give to him the next. But precedents to overthrow *principles*, to justify the *perpetual* oppression of *all*, and to *impair the power of the constitution*, though a cloud of them appear, have no more force than the volumes of dust that surround a triumphal car. They may obscure it : they cannot stop it. What would the liberties of the people of *England* have been at this time, if precedents could have made laws inconsistent with the constitution ? Precedents tending to make men unhappy, can with propriety of character be quoted only by those beings, to whom the misery of men is a delight.

“ If the usage had been immemorial and uniform, and ten thousand instances could have been produced, it would not have been sufficient ; because the practice must likewise be agreeable to the *principles of the law*, * in order to be good : whereas

* This is a maxim of law, that — “ a bad usage ought to be abolished.”

this is a practice inconsistent with, and in direct opposition to the *first and clearest principles of the law*"†——to those *feelings of humanity*, out of which mankind will not *be reasoned*, when power advances with gigantic strides, threatening dissolution to a state——to those *inherent, though latent powers of society*, which no *climate*, ‡ no *time*, no constitution, no *contract*, can ever destroy or diminish."§

A PARLIAMENTARY power of *internal legislation* over these colonies, appears therefore to us, equally contradictory to humanity and the constitution, and illegal.

† Letter on general warrants.—

‡ 1 Blackstone, page 245

§ *Equal distribution of justice, and free enjoyment of property, are the great objects of society: and no time, precedent, statute, or institution should deter men from keeping these UPPERMOST in their thoughts.*"

Mr. Hume's History of England.

"The jurisdiction of the star chamber, martial law, imprisonment by warrants from the privy council, and other practices of a like nature, though *established for several centuries*; were scarce ever allowed by the *English* to be parts of their constitution: *the affection of the nation for liberty still prevailed over all precedent, and over all political reasoning*: the exercise of these powers, after being long the source of secret murmurs among the people, was, in fulness of time, solemnly abolished, as illegal, at least as oppressive, by the whole legislative authority." id. To these instances may be added the late practice of general warrants that had the sanction of precedents, even since the revolution.

As to the second head, a power of regulating our trade, our opinion is, that it is legally vested in parliament, not as a supreme legislature over these colonies, but as the supreme legislature and full *representative* of the parent state, and the, only judge between her and her children in commercial interests, which the nature of the case, in the progress of their growth admitted. It has been urged, with great vehemence against us, and seems to be thought their *fort* by our adversaries, “ that a power of regulation is a power of legislation, and a power of legislation, if constitutional, must be universal and supreme in the utmost sense of the words. It is therefore concluded, that the colonists, by acknowledging the power of regulation, have acknowledged every other power. On this objection we observe, that according to a maxim of law, “ it is deceitful and dangerous to deal in general propositions.” The freedom and happiness of states depend not on ‡ *artful arguments*,

‡ Our chance of success would be slight indeed, if it depended on subtleties of reasoning. Who can resist the skilful and courageous attacks of those *Britons*, who have not long since distinguished themselves in the polemical fields? Have they not *proved* to the satisfaction of thousands, the non-existence of matter—the necessity of human actions—consequently the innocence of them—the comfortable mortality of the soul—that virtue is a name—vice a jest—liberty a nonentity—christianity an imposture—and, with due detestation be it mentioned; that “ we have *no idea of power*, nor of any *being* endowed with any power, *MUCH LESS* of *one* endowed with infinite power !”

but on *a few plain principles*. The plausible appearance of the objection consists in a confused comprehension of several points, intirely distinct in their nature, and leading to consequences directly opposite to each other. There was a time, when *England* had no colonies. Trade was the object she attended to, in encouraging them. A love of freedom was manifestly the chief motive of the adventurers. The connection of colonies with their parent state, may be called a new object of the *English* laws. That her right extinguishes all their rights,—rights essential to freedom, and which they would have enjoyed, by remaining in their pa-

“ With explosions of learning, and flashes of wit, these well trained troops would keep up a terrible fire of artillery and small arms against us undisciplined *Americans*. We must not meet them in the shock of battle. *That would be madness in the extreme*. We must make the most of our *natural* advantages.—*There we are safe*; and all the forces that can be brought to the assault, will never be able to prevail against us. To drop the metaphor. “ Inquiry ceases to be rational, and becomes both whimsical and pernicious, when it advances as far as some late authors have carried it, to controvert the first principles of knowledge, morality, religion, and consequently the fundamental laws of the *British* government, and of all well regulated society.”

Mr. Beattie on truth.

It has been asserted by some men distinguished as historians, that the zeal of the reformers in religion engaging them to think liberally on that subject, led them to think with like freedom in civil affairs, whereby the government of *England* received its greatest improvement.—If the sentiment is just, may it not be inferred, that contempt for religion, must necessarily introduce an indifference for all the just rules of government and the principles of the constitution. ?

rent state, is offensive to reason, humanity, and the constitution of that state. Colonies could not have been planted on *these* terms. What *Englishman*, but an idiot, would have become a colonist on these conditions? to mention no more particulars, “that every shilling he gained, might rightfully be taken from him——trial by jury abolished——the building houses, or making cloths with the materials found or raised in the colonies prohibited——and armed men set over him to govern him in every action?”

HAD these provinces never been settled——had all the inhabitants of them now living, been born in *England*, and resident there, they would now enjoy the rights of *Englishmen*, that is, they would be free in *that kingdom*. We claim in the colonies these and no other rights. *There* no other kingdom or state interferes. But their trade, however important it may be, as the affairs of mankind are circumstanced, turns on other principles. All the power of parliament cannot regulate *that* at their pleasure. It must be regulated not by parliament alone, but by treaties and alliances *formed by the king without the consent of the nation*, with other states and kingdoms. *The freedom of a people consists in being governed by laws, in which no alteration can be made, without their consent.* Yet the wholesome force of these laws is *confined* to the li-

mits of their own country. That is, a supreme legislature to a people, which acts *internally* over that people, and inevitably implies *personal assent*, *representation*, or *slavery*. When an universal empire is established, and not till then, can regulations of trade properly be called, acts of supreme legislature. It seems from many authorities, as if almost the whole power of regulating the trade of *England* was originally vested in the crown. One restriction appears to have been, that no duty could be imposed without the consent of parliament. Trade was little regarded by our warlike ancestors. As commerce became of more importance, and duties, and severities were judged necessary additions to its first simple state, parliament more and more interfered. The constitution was always free, but not always exactly in the same manner. "By the feudal law, all *navigable* rivers and *havens* were computed among the regalia, and were subject to the sovereign of the state. And in *England* it hath always been held, that the king is lord of the whole shore, and particularly is guardian of the ports and havens, which are the inlets and gates of the realm ; and therefore, so early as the reign of king *John*, we find ships seized by the king's officers, for putting in at a place that was not a legal port. These legal ports were undoubtedly at first assigned by the crown ; since to each of them a court of portmote is incident, the juris-

dition of which must flow from the royal authority. The erection of beacons, light-houses, and sea marks is also a branch of the royal prerogative. The powers of establishing public marts, regulating of weights and measures, and the giving authority to, or making current, money, *the medium of commerce*, belong to the crown. By making peace or war, leagues and treaties, the king may open or stop trade as he pleases. The admiralty courts are grounded on the necessity of supporting a jurisdiction so extensive, though opposite to the usual doctrines of the common law. The laws of *Oleron* were made by *Richard* the first, and are still used in those courts." In the "mare clausum," are several regulations made by kings.* Time for-

* The power of regulating trade, was carried so far by the crown, as sometimes to impose duties; and queen *Elizabeth* obtained several judgments in the exchequer on such regulations. Lord chief justice *Coke* answers the argument founded on these—in 2 inst. 62, 65. Princes aimed at too much power—exceeded due bounds—their imprudence produced "grievances"—and the people who always suffer, when their rulers are weak or wicked, would no longer trust such *opportunities of oppression* in their hand.—The power of *impressing* seamen, shews the extensive authority in *naval affairs* trusted to "the crown."

I BLACKSTONE, 419. Foster's rep. 154.

So extremely averse were the *English* to *foreign affairs*, and to the exercise even of parliamentary authority concerning them, that though the nation was justly provoked against the *French* king for the injury done to *Edward* the 1st. by withholding *Aquitaine* and his other inheritances (as lord chief justice *Coke* observes in his 2d inst. page 532.) and by some cruel actions of *Frenchmen* against *Englishmen*, and had in full parliament granted him aids, subsidies, for

bids a more exact inquiry into this point: but such it is apprehended, will on inquiry be found to have

the maintenance of his wars in foreign parts, yet in the *CONFIRMATIONES CHARTARUM*, Ed. 1st, therein taking notice, "that many men doubted, whether these grants by parliament might not turn in servage of them and their heirs, as precedents, expressly declares in those statutes, that such grants shall not be drawn into custom." The comment says—"it was holden that the subjects of the realm ought not to contribute to the maintenance of the king's wars out of the realm—but this matter was never in quiet, until it was more particularly explained by divers acts of parliament." The comment then mentions several acts declaring that no *Englishman* shall be bound to contribute to the king's wars out of England, in Scotland, Gascony, Ireland, Calais, (though these three last were countries dependent on England) and says, "these acts of parliament are but declarations of the ancient law of England—But here may be observed, that when any ancient law or custom of parliament" (such as before mentioned by making acts relating to foreign wars) "is broken, and the crown possessed of a precedent, how difficult a thing it is, to restore the subject again to his former freedom and safety." 2 Inst. 527—529.

The author of "the controversy," who with a liberality of sentiment becoming a pleader against freedom, and the best interest of mankind, counts, "statute books"—"ministers"—"king's council"—page 77, 78.—"scraps of journals"—page 81. and ordinances of "the rump parliament"—page 87. among his "DETTIES" page 78; and grieves that we poor "infidel" colonists will not pay his idols the veneration his zeal judges due to them, has collected a good many fragments of proceedings in the house of commons from the year 1614 to 1628. The amount is this, that the ministers of the crown insisted, that parliament could not make laws for America; that the commons doubted; but at length in 1624, came to an opinion, that the king's patent for "a monopoly of fishing on the coasts of America was a grievance,"—that a "clause of forfeiture" against those who interfered in the fishery was void—and past a bill "for a free liberty of fishing," &c. It appears in the debates that the fishery was free before the patent was granted—These extracts do not shew, what became of the bill in the house of lords. One mr. Brooke said in 1621—"We may make laws here for Virginia, for if the king gives consent to this bill past here and by the lords, this will controul the patent."

been the power of the crown, that our argument may gain, but cannot lose. We will proceed on a concession, that the power of regulating trade is vested in parliament.

COMMERCE rests on concessions and restrictions mutually stipulated between the different powers of the world ;† and if these colonies were sovereign states, they would in all probability be restricted to their present portion,* The people of

It seems, as if the notion of the king's regulating power still prevailed, but, that "a clause of *forfeiture*" in such regulations was void. So much had the power of parliament grown since king *John's* reign. Nor does it appear to have been unreasonable as commerce became of more consequence. The instance here mentioned, related to a regulation of trade; and however the king might have accommodated the point with the other branches of the legislature, the whole proceeding is immaterial. If it was a right actually enjoyed by *Englishmen* to fish on the coasts of a plantation—and a grant by the crown of the fishery to the people of the plantation excluding the people of *England*, could not *divest them* of their right—or, "if by the king's giving his consent to a bill passed by lords and commons,"—"the patent might be controuled"—it does not follow, that the king, lords, and commons could divest the people of the plantations of all *their* rights.

† Case of the *Ortend East-India* company.

* "Another light, in which the laws of England consider the king with regard to domestic concerns, is the arbiter of commerce. By commerce, I at present mean domestic commerce only. It would lead me into too large a field, if I were to attempt to enter upon the nature of *foreign trade*, its privileges, regulations, and restrictions; and would be also quite beside the purpose of these commentaries, which are confined to the laws of England. Whereas no *municipal laws* can be sufficient to order and determine the *very extensive and complicated affairs of traffic and merchandize*; neither can they have a proper authority for this pur-

England were *freemen*, before they were *merchants*. Whether *they* will continue *free*, they *themselves* must determine. *How they shall trade*, must be determined by *Germans, French, Spaniards, Italians, Turks, Moors, &c.* The right of *acquiring* property, depends on the rights of *others*: the right of *acquired* property, solely on the owner. The possessor is no owner without it. “Almost every leaf and page of *all* the volumes of the common law prove this right of property.”† Why should this right be sacred in *Great-Britain*, “the chief corner stone” in the solid foundation of her constitution, and an empty name in her colonies? The lamb that presumed to drink in the *same stream* with a stronger animal, *though lower down the current*, could not refute the charge of incommoding the latter, by disturbing the water. Such power have reasons that appear despicable and detestable at first when they are properly enforced.

pass. For, as these are transactions carried on between subjects of independent states, the municipal laws of one will not be regarded by the other. For which reason the affairs of commerce are regulated by a law of their own, called the law merchant or *lex mercatoria*, which all nations agree in and take notice of. And in particular it is held to be part of the law of *England*, which decides the causes of merchants by the general rules which obtain in all commercial countries; and that often even in matters relating to domestic trade, as for instance, with regard to the drawing, the acceptance, and the transfer of inland bills of exchange.”

† *Parlia. hist.*

FROM *this very principle* arose *her power* : and can *that* power now be *justly* exerted, in *suppression* of *that* principle ? It cannot. Therefore, a power* of regulating our trade, involves not in it

* This distinction between a supreme legislature and a power of regulating trade, is not a new one. We find it clearly made, by the judges of *England*, at a period, when the modern profitable mode of blending together in parliament the authorities of the crown and people, had not extinguished all reverence for the principles of the constitution.

By the statute of the 2d of *Henry* 6th. ch. 4, *Calais* was confirmed a staple place for the wool exported from *England, Wales* and *Ireland*. Some wool shipped from this last kingdom, was consigned to *Sluke*, in *Flanders*. The ship by stress of weather was forced into *Calais*, where the wool was seized as forfeited. The chief question in the exchequer chamber was, whether the statute bound *Ireland*. In Rich. 3, 12, the case is thus reported. " Et ibi quoad ad primam questionem dicebant, quod terra *Hibernia* inter se habet parliamentum & omnimodo curias prout in *Anglia*, & per idem parliamentum faciunt leges & mutant leges, & non obligantur per statuta in *Anglia* quia, non hic habent milites parliamenti; sed hoc intelligitur de terris pro rebus in terris tantum efficiend; sed persone eorum sunt subiecte regis et tanquam subiecti erunt obligati ad aliquam rem contra terram. illam faciendam contra statutum, sicut habitantes in *Callesia, Gascoignia, Guienne*, &c. dum fuere subiecti; & obedientes erunt sub admiralitate *Anglia* de re facta super altum mare; et similiter breve de errore de iudiciis redditus in *Hibernia* in banco regis hic in *Anglia*."

Brooke, lord chief justice of the common pleas, mentions the case almost in the same words, title parliament 98—but 90 says—" the chief justice was of opinion, that the statutes of *England* shall bind *Ireland*, which was in a manner agreed by the other justices; and yet it was denied the former day: YET note, that *Ireland* is a realm of itself, and has a parliament in itself."

Here it may be observed, *first*, that the reason assigned by the judges, why the statutes of *England* bind not the people of *Ireland*, though *pecially named*, con-

the idea of supreme legislature over us. The first is a power of a preserving “protecting” na-

tains a constitutional principle, the sine qua non of freedom. *Secondly*, that the people of *Ireland*, as subjects of the king, were “*under the admiralty of England as to things done on the high sea* ;” which is a strong confirmation given by the judges of *England*, to the supposition before made, of the power of regulating trade being formerly vested in the king. *Thirdly*, that the opinion of the chief justice, and of the other justices, such as it was, “*reddendo singula singulis, & secundum subjectam materiam*,” proves at most, only that *Ireland* was bound by statutes regulating their trade, for such was the 2 *Henry* 6th. ch. 4th on which the case arose. *Fourthly*, that *Brooke*, a man of great eminence and dignity in the law, appears by his note, to have been dissatisfied with the judgment, tho’ only on a statute of regulation, for *this* reason of such weight with an *Englishman*——“*because Ireland is a realm of itself, and has a parliament within itself.*” *Fifthly*, that the authority of the crown, including the regulation of the trade of *Ireland*, and sending writs of error there, were sufficient restraints, to secure the obedience and subordination of that kingdom. This reason seems to have held its ground, till lord chief justice *Coke*’s time ; and though a great reverence is entertained for his memory, yet it can never be acknowledged, that an “*obiter dictum*” of his, or of any other man, is a rule of law. In *Calvin*’s case, the chief justice reciting the foregoing case, says, “*Hibernia habet parlamentum, and faciunt leges, & nostra statuta non ligant eos QUIA non mittunt milites ad parlamentum* (which, adds he, is to be understood, unless they be especially named) And does the “*especially naming them*,” give them a representation, or remove the injustice of binding them without it ? This observation in plain English would run thus. “*Our statutes do not bind the people of Ireland, when we do not intend to bind them, because, they are not represented in our parliament: but our statutes bind them, when we intend to bind them.*” What is this but saying——“*that to speak of their not being represented, is a mere jargon ; and the sole point is, whether it is our will to bind them*”——or in other words——“*that our statutes do not bind them, for a reason, as strong as man can give, and so acknowledged by us to be, which yet, is no reason at all : for, where there is no occasion, for its operation, it applies not ; and where there is occasion, it is of no force.*”——His lordship had just before taken notice that “*a writ of error did lye in the king’s bench of England of an erroneous judgment in the king’s bench of Ireland ;*” and perhaps that led him in the course of his argument to imagine, there might be a like pre-eminence

ture. The last, as applied to *America*, is such a power as mr. Justice *Blackstone* describes in these

of the parliament of *England* over that of *Ireland*. That this was his reason seems certain, because at a meeting of commissioners to consider of a projected union between *England* and *Scotland*, at which the chief justice was present.—*Moor*, 796, it is said “that parliament has power over *Ireland*, as is proved by that a writ of error may be brought of a judgment in the king’s bench of *Ireland*.” In the fourth inst. he also says the people of *Guernsey*, *Jersey* and *Man*, are not bound by the statutes of *England*, unless they are specially named. Yet whoever examines the statute relating to *Ireland*, *Guernsey*, *Jersey* and *Man*, will have very little cause to believe, that it has been thought in *England*, that statutes would generally bind the people of those countries, notwithstanding the subjection of *Ireland*, and the other islands, the many distresses of the former, and the weakness of the latter have afforded opportunities of extending such a power over them. With respect to all these places scarce a statute can be found of any period, but for the regulation of their trade. The same observation may be made as to *Gascoigny*, *Guienne* and *Calais*.—Justice *Wylde* in 2 *vent.* 5, said, “he had seen a charter whereby these places were recited to be united to *England* by mutual pact. And writs of error run there.” “*Wales* was a conquered country, and the people submitted to *Edward* the first *de alto et basso*.”

Whatever pretence the chief justice’s opinion was founded on, it has been carefully repeated in many law books since. Whether his lordship meant, that statutes of *England* could bind the people of *Ireland*, in taking away trials by jury,—taxing them, and indeed, “in all cases whatsoever,” or only in preserving their subordination, as by regulating their trade, which was the case referred to in his comment, does not appear. The parliament in declaring the dependence of *Ireland*, did not venture to claim a power of binding the people of that kingdom “in all cases whatsoever.”^a With respect to all these declarations, however, as they are made to refer to us, we may answer as the lion did to the man in the fable.

Much the same arbitrary construction has been made on the question; whether a man could be tried in *England* on a charge of committing treason in

^a Nor, to this day does the *English* parliament tax them, &c. And therefore the inference is just, that neither they nor the chief justice meant such a power.

words, " whose enormous weight spreads horror and destruction on all inferior movements." The first is a power subject to a constitutional check. *Great-Britain* cannot injure us by taking away our

Ireland. In queen *Elizabeth's* reign, " *Gerrade*, chancellor of *Ireland*, moved that question to the council of the queen, and it was held by *Wray*, *Dier*, and *Gerrade*, attorney general, he could not, because he was a subject of *Ireland* and not of *England*, and if tried in *England*, he could not be tried by his peers." *Dier*, 360. Afterwards, to gratify the queen's resentment against some rebels, they were tried in *England*; and thus passion and complaisance made very good law against reason and justice.

Having mentioned *Calvin's* case, it may not be improper to observe, that if the author of " the controversy " had taken the trouble of reading it, he might have found his perplexities removed on the question that has given him so much anxiety, and brought such a load of reproaches on the colonies. He is provoked at our insolence for pretending to be any thing more than *aliens* in *England*, while we deny the power of parliament to bind us " in all cases whatever." In that case, the gentleman would have discovered, that the judges of *England* held, that a man born in *Scotland*, under the allegiance of *James* the first, after his accession to the throne of *England*, was intitled to all the rights of a subject born in *England*; though the objection, that statutes of *England* could not bind *Scotland*, or a man residing there, who held lands in *England*, was mentioned in the course of the argument. That great difficulty being got over, if the gentleman, will go a step farther, and perceive some little distinction between colonies proceeding out of the loins of *England*, and the " conquered " countries of *Ireland* and *Wales*,—the countries of *Gascoigny*, *Guienne*, and *Calais*, " united by mutual pact to *England*"——and the islands of *Guernsey*, &c. " lying within the four seas, whose sovereigns annexed them to *England*:" and will only allow the colonists a little more regard than is profest in law books for those countries, and about as much as has been actually observed towards them by parliament, he will have no further occasion to say severe things of those, who are willing to esteem him; and then, if he can persuade his worthy countrymen to adopt his sentiments, their anger will no longer give pain to those who almost adore them.

commerce without hurting herself *immediately*. The last is a power without check or limit. She might ruin us by it. The injury thereby to herself might be so *remote* as to be despised by her.

THE power of regulation was the only band that could have held us together; formed on one of those "original contracts,"——which only can be a foundation of just authority. Without such a band, our general commerce with *foreign nations*, might have been injurious and destructive to her. Reason and duty reject such a licence. This our duty resembles that of children to a parent. The parent has a power over them: but they have rights, which the parent cannot take away. Heaven grant that our mother country may regard us as her children, that if by the dispensation of Providence, the time shall come, when her power decreases, the memory of former kindnesses may supply its decays, and her colonies like dutiful children, may serve and guard their aged parent, for ever revering the arms that held them in their infancy, and the breasts that supported their lives, while they were little ones.

It seems, as if the power of regulation might not inaptly be compared to the prerogative of making peace, war, treaties, or alliances, whereby

"*the whole* nation are bound, AGAINST THEIR CONSENT :*" and yet the prerogative by no means implies a *supreme legislature*. The language held in "the commentaries" on this point is very remarkable. "With regard to *foreign concerns* the king is the *delegate* or *representative* of the people ; and in him, as in a *center*, all the *rays* of his people are united ;† and the SOVEREIGN POWER *quoad hoc* is vested in his person."‡ Will any *Englishman* say these expressions are descriptive of the king's authority, *within the realm*. "Is the SOVEREIGN POWER *within that* vested in his person ?" He is stiled "*sovereign*" indeed ; "his realm is declared by many acts of parliament an *empire*, and his crown *imperial*." But do these splendid appellations, the highest known in *Europe* signify, that "*sovereign* POWER is vested in his person *within the realm* ?" We have a full answer in the commentaries. "The *meaning* of the legislature, when it uses these terms of *empire* and *imperial*, and applies them to the realm and crown of *England*, is *only* to assert, that our king is equally *sovereign* and *independent* within these his dominions ; and *owes no kind of subjection* to any potentate upon earth." Thus *we* maintain, that with regard to *foreign affairs*, the parent original state, "is the *delegate* or *representative*," of the entire

* 1 Blackft. 252, 257.

† Idem. 252.

‡ Idem. 257.

dominions, “ the *sovereign power* QUOAD HOC is vested” in her. Her acts under this power, “ irrevocably bind the whole nation.” But yet this power by no means implies *a supreme legislature*.

THE exercise of this power *by statutes* was absolutely necessary ; because it was, and could only be lodged, as the laws of the parent state stand, in the supreme legislature of that state, consisting of king, lords, and commons ; and *statutes* are the modes by which their united sentiments and resolutions are exprest. It is universally acknowledged in *Great-Britain*, that it infers no power of *taxation* in king and lords, that their *limited* authority is used in cloathing, *gifts and grants of the commons* with the *forms of law*——nor does it infer *supreme legislature* over us, that the *limited* authority of king, lords, and commons is used in cloathing *regulations of trade* with the *forms of law*.

THIS power of regulation appears to us to have been pure in its principle, simple in its operation, and salutary in its effects. But for some time past we have observed, with pain, that it hath been turned to other purposes, than it was originally designed for, and retaining its title, hath become an engine of intolerable oppressions and grievous taxations. The argument of an eminent judge, states

the point in a similar case strongly for us, in these words.—“ Though it be granted, that the king hath the *custody* of the *havens* and *ports* of this island, being the very *gates* of this kingdom, and is *trusted* with the *keys* of these *gates* ; yet the *inference* and *argument* thereupon made, I utterly deny. For in it there is *mutatio hypothesis*, and a *transition* from a thing of *one* nature to *another* ; as the *premises* are of a *power only fiduciary*, and in *point of trust and government*, and the *conclusion* infers a *right of interest and gain*. Admit the king has *custodiam portuum*, yet he hath but the *custody*, which is a *trust* and not *dominium utile*. He hath power to *open* and *shut*, UPON CONSIDERATION OF PUBLIC GOOD TO THE PEOPLE AND STATE, but not to make *gain* and *benefit* by it : the *one* is PROTECTION—the *other* is EXPILATION.”

END OF THE FIRST VOLUME.

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L. J.





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